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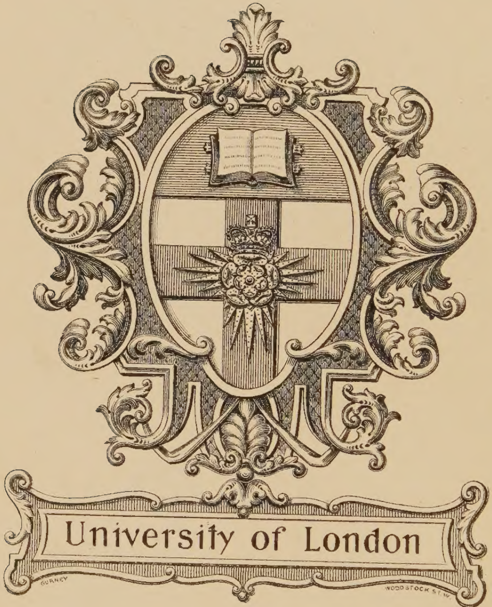
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HANSARD'S

PARLIAMENTARY

DEBATES:

FORMING A CONTINUATION OF
" THE PARLIAMENTARY HISTORY OF ENGLAND
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

VOL. XXX.

COMPRISING THE PERIOD FROM
THE THIRD DAY OF AUGUST
TO
THE TENTH DAY OF SEPTEMBER, 1835.

Fifth Volume of the Session.

LONDON:

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R. H. EVANS; J. BIGG; J. BOOTH; AND T. C. HANSARD.

1835.

PREFACE.

The form of the Index to this Work has for some time appeared not to give satisfaction, and indeed it has not afforded that ready reference which a hurried research requires. When the last volume of this Session was very nearly completed and the Index was already constructed in its usual form, a wish was expressed in quarters in which this work is, perhaps, in more constant use than in any other, that the Index should be compiled upon a more enlarged plan, and it was at once determined to adopt the suggestion. The work was very far advanced, when further improvements were suggested, and, at the same time, a large portion which had been compiled upon a plan not so well calculated for ready use was disapproved of—and the work was instantly re-commenced.

In future each volume will contain an Index to its own contents, upon the plan of this now produced (with such further improvements in the details as may occur), and the last volume of each Session will contain not only its own Index, but those of every preceding volume of that Session, and will have upon the back the word INDEX, pointing out instantly the volume to be referred to, to find the whole transactions of that Session.

A plan having been thus settled, the compilation of the Index for the present Session proceeds simultaneously with the publication of each Part, and in future no further delay will occur after the publication of the text than is necessary for the printing.

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HANSARD'S

Parliamentary Debates

During the FIRST SESSION *of the* TWELFTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN *and*
IRELAND, *appointed to meet at Westminster,*
19*th February,* 1835,
in the Fourth Year of the Reign of His Majesty
WILLIAM THE FOURTH.

Fifth Volume of the Session.

HOUSE OF COMMONS,

Monday, August 3, 1835.

MINUTES.] Bills. Read a second time. On the Motion of Lord JOHN RUSSELL:—Ecclesiastical Revenues; Turnpike Acts' Continuance.—On the Motion of Viscount MORPETH:—Public Roads' (Ireland).—Read a third time:—Registrar Office Improvement; Bankrupts' Estate.—Sheriffs' Declaration; Polls at Elections.

Petitions presented. By Mr. R. WALLACE, from Greenock, against the Redcar Harbour Bill; also against the proposed Alteration in the Bonding Warehouses System; from Postmasters and others between Port Patrick and Dumfries, against the present System of Farming the Post-Horse Duty.—By Mr. CAYLEY, from two Parishes in the North Riding, against the Ecclesiastical Courts' Bill; and a Petition from Preston, against the Factory Act.—By Mr. HUTT, from Kingston-upon-Hull, in favour of the Irish Church Bill.—By Mr. FINCH and Mr. SHAW, from a Number of Places,—against the Church of Ireland Bill.—By the latter, from Dublin, against the Municipal Corporations' (Ireland) Bill.—By Mr. MARK PHILIPS, from Sheepshead, for the Remission of the Sentence on the Dorchester Unionists.—By Mr. O'CONNELL, from two Places, against Tithes; also against the Light-Houses' Bill; also for the Construction of a Railway from Valentia Harbour; also against the Steam Vessels' Pilotage Bill.—By Mr. MARSHALL and Mr. W. H. ORD, from two Places, against the present System of Farming Post-Horse Duties.—By Lord STANLEY, from Glasgow and Kingarth, for Protection to the Church of Scotland.—By Dr. BOWRING and Mr. HUME, from several Places, against the Duty on Newspaper Stamps.—By Mr. FINCH, from Killeshandra, for Incapacitating Roman Catholics from Voting at Elections.—By Dr. BOWRING, from Prestwick, against any Grant to the Church of Scotland.—By Lord STANLEY, from Colne and Halifax, against Drunkenness; from Aberdeen, against the University of Aberdeen Bill.—By Mr. TOOKE, from the Solicitors of Doncaster, against the Duty on Attorneys Certificates.—By Mr. LEADER, from Bridgewater, against Beer being allowed to be drunk on the Premises of Beer Houses.—By the Sheriffs, from the City of London, for the Repeal of the Duty on Newspaper Stamps.

CHURCH OF SCOTLAND.] Sir *William Rae*, on presenting a petition from Kincardine for support to the Scotch Church, took occasion to advert to the Commission lately issued to inquire into the subject of the Church of Scotland. From what had already passed, the country expected that the Commission would be of a character to carry with it universal confidence, and least of all was it expected that it would be founded upon party principles. It was therefore not without considerable surprise that he had read the list of the names of the Commissioners, by which it appeared that out of eleven persons, some paid and others honorary, ten were decidedly adherents of the present Government; so that only one individual could be considered an independent Member. If he had succeeded in the Motion he formerly made for a Committee to investigate the question, what would the noble Lord opposite and his friends have said, had he suggested that ten Members should be taken from one side of the House and only one from the other. It would be recollected that his Majesty, in his speech from the throne, had noticed the Church of Scotland, and the late Government intended to follow up that notice by the grant of an additional endowment. When the present Government came into office nothing was done until he had moved for a Committee, and then a Commission was accorded. If Ministers were honest and sincere in their intentions with regard to the Church of Scotland, they would have taken the utmost care to appoint persons who were free from all party feeling, and he well remembered that his right hon. Friend the Member for Kirkcudbright (Mr. C. Fergusson) had admitted the propriety of such a course. He had other objections to the Commission. In the first place he generally disapproved of paid Commissioners, and they were quite unnecessary in Scotland, where, until lately, nothing of the kind had been known; and not the least difficulty had been experienced in finding men of high character and qualifications ready to undertake the duty without emolument. Such were the Law Commissioners, and such the University Commissioners, who had patiently and gratuitously investigated the affairs of the Universities of Glasgow, St. Andrew's, and Aberdeen. When the selection was made with no expectation of payment, it was usually more pure, since nothing was to be gained, and it was rather a favour conferred upon the Government than upon the individuals. With the exception of one or two, the Commissioners were men at the Bar of only a few years standing, who had shown no peculiar qualification for an inquiry into the state of the Church, and the majority of them might be considered hostile to that Establishment. One of them, in particular, had not only been the avowed champion of the Dissenters, but he had even published a treatise against the Church of Scotland. If he were wrong upon this point he could easily be set right, and he asked whether a person who had so mixed himself up with the adversaries of the Church, ought to belong to the Commission? He had understood that the name of Mr. Colquhoun, late Member for Dumbarton, had been suggested, but withdrawn. He had been informed also, that an individual who had been very active against the Established Church in Edinburgh was to be Secretary to the Commissioners; and if this were true, how was it possible for the people of Scotland to have confidence in such an inquiry, or to look to the result with any satisfaction? These were the parties who were to take the evidence for the investigation, which would necessarily embrace the statistics of the various parishes. It appeared to him as if the appointment of a Commission was merely a means adopted by Ministers to get quit of the subject; but he trusted they would adopt some means of adding to the Commissioners persons of independent principle, who would act as a counterpoise to the persons already named. After this public notice, they would at least see the necessity of reconsidering the construction of the Commission.

Lord *John Russell* did not mean to enter into the merits of the individuals, especially as he was not acquainted with some of them, in consequence of their residence in Scotland, and practising as advocates at the Scotch bar. He would say generally of them that they had been chosen with a view to fairness and impartiality. Neither did he think it any impeachment of that fairness and impartiality to say that the majority of the Commissioners were of his way of thinking on political questions, because not a few of those in Scotland who agreed with him in politics were the warmest and steadiest friends of the Church. Some were most anxious that a grant of money should be made, and others did not see sufficient grounds for refusing it. He would not make up his mind one way or the other on the subject, but as to any party bias in the Commissioners he was sure that the right hon. Gentleman was totally mistaken. What objection could be made to the noble Earl who was one of the Commissioners—a man of great ability, great knowledge, and as great impartiality? The same might be said of Mr. Mountstuart Elphinstone, a gentleman of whose aid any Government would be glad, and he believed that he had been more than once solicited to take office. Other members were known to be firmly attached to the Church of Scotland. The procurator of the Church was also one of the Commissioners, and the brother of two hon. Members, who had so far taken part with the right hon. Gentleman as to have voted for the Committee. It was fair to presume, therefore, that there existed among the Commissioners no feeling unfavourable to the Church of Scotland. With regard to the individual who had printed his hostility to the Church he had understood from those who were anxious for an investigation of the subject that it was only fair that some person attached to the Dissenters of Scotland should belong to the Commission—that it would be taken by the Dissenters as an evidence of impartiality, as far as they were concerned. They would naturally be anxious to show the nature and means of religious instruction among them. The right hon. Member might be one of those who thought that dissent should be suppressed, but that was not the opinion of the distinguished men who had lately attended in London on behalf of the Church of Scotland. Therefore it seemed proper and judicious, with a view to all parties, that some member of the large Dissenting body should be included in the Commission. Other Commissioners were advocates at the Scotch bar, who had been represented as well qualified for the task by knowledge and assiduity, and he did not consider it any proof that they were inimical to the Scotch Church because their politics were rather of a liberal than an illiberal cast. He did not look upon the subject at all as a party question, and he believed that the Commissioners would act fairly and impartially under the same impression.

Sir *George Clerk* said, the way in which the Commission was filled up had given general disappointment. He admitted that many of the Commissioners were friendly to the Church of Scotland, but then, with one exception, their politics were the same as those of the Government. The unpaid branch of the Commission was above all suspicion, but the others were Barristers, not in high practice, some rather known for the active part they took in party politics, and others against the Church of Scotland. The people of Scotland were serious in their habits, they were attached to the Church, and could not be pleased to see such important interests left to the care of young men, whose talents at the same time he did not mean to deny.

Mr. *Cutlar Fergusson* said, the hon. Baronet who spoke last endeavoured to impress the House with an idea that the friends of the present administration could not be friendly to the Church of Scotland. Now he was a supporter of the Government, and there was no man more friendly to the Church of Scotland. He had no means of ascertaining what were the merits of the paid Commissioners, but the unpaid were above all suspicion. If the former were not in extensive practice so much the better, because they could devote all their time to the inquiry. When first this Commission was proposed, he said the appointment should be made without party considerations, but he could not admit that it was sufficient objection to any appointment, in such a case, to say that the individual was of the same politics as the Government. Friendship to the Government did not imply enmity to the Church of Scotland, and the conduct of Ministers showed that they were not hostile to that Church. If there were not one or two members of the Commission to represent the Dissenters, Government would be justly liable to the charge of partiality.

The *Lord Advocate* was surprised to hear the junior Commissioners spoken of as political partisans and young Barristers. The very youngest of them was of four years' standing, a period which would entitle him to the situation of a Judge. One of them, certainly, took part in an election; but surely that did not constitute him a political partisan. It was not uncommon, however, to have political partisans raised to the highest situations. The Gentleman alluded to stood as high as any man at the Scotch bar for honour, integrity, and talent. The other junior Commissioners had been from eight to ten years at the bar. He had heard no objection to Lord Minto, to the Member for Dumfries, or to the Procurator of the Church of Scotland. The other members were well known for their attachment to the Church of Scotland. Perhaps it might be better if it were possible to select men to whom no suspicion of political bias could attach; but he did not see how it could be done. It was but fair that the Dissenters should have at least one Representative on the Commission. It was not, in fact, a party question. Politics had nothing to do with it, and no Commission was ever more impartially selected.

Mr. *Pringle* said, he had various communications from Scotland, disapproving of the manner in which the Commission had been filled up. There was one of the Commissioners who had shown himself to be deeply and zealously connected with the voluntary principle, and the Secretary was known for entertaining such opinions on the Church of Scotland that it was impossible he could give satisfaction. The better course would be to revise the Commission.

Mr. *Baines* said, instead of complaining that the Dissenters, friends to the voluntary principle in Scotland, had too large a number of members on a Commission, which had for its object to make provision for all religious denominations in Scotland ["*No, no!*"]—Gentlemen might say no, no, but he contended that the object of the Commission was to inquire into the means of religious instruction and pastoral care afforded to the people of Scotland—that is, to all the people of Scotland without distinction of sect—and how far those means are available for the religious and moral improvement of the poor, and of the working classes. It was not fair that ten out of the Commissioners should be of the religious denomination of the Established Church. From the explanations that had been given it appeared that this great inequality existed, and he must therefore expect that so far from there being any well-grounded complaint against the Ministers for placing one Dissenter upon the Commission, the real ground of objection to the appointment was, that the friends of the voluntary principle in Scotland was not more adequately represented by the Commission.

Mr. *Fox Maule* begged to state that if he had understood the Commission to have been appointed in the sense attributed to it by the hon. Member for Leeds (Mr. Baines) he would not have voted for it.

Petition laid upon the Table.

BREACH OF PRIVILEGE—CASE OF MR. KEITH.] Mr. Hume moved the resumption of the adjourned debate on the subject of Mr. Keith.

The Speaker informed the House that he had received a letter from one of the Members for the Eastern Division of the county of Norfolk, stating that the Grand Jury would conclude their business by Tuesday, and that the evidence of Thomas Moore Keith, then in the custody of that hon. House, was necessary on the bill of indictment preferred against John Pilgrim.

Mr. *Rigby Wason*, to meet that contingency, begged to move,—"That Thomas Moore Keith, now in His Majesty's Gaol of Newgate for a breach of the privileges of this House, be sent down to Norwich in the custody of the Serjeant-at-Arms attending this House, for the purpose of being produced as a witness on any charge, adduced against John Pilgrim."

Lord *Stormont* had given notice of his intention to move, on Wednesday that Thomas Moore Keith be brought to the Bar of the House, reprimanded by the Speaker, and discharged. Since giving that notice he had received a letter similar in effect to that which had been stated from the Chair. Considering all the circumstances of the case, and the expense which would necessarily be entailed on Mr. Keith, if he were sent down in custody, he should beg to move, "That all the words in the question, after the word 'That,' be left out, for the purpose of inserting the words, 'Thomas Moore Keith be now called to the Bar, reprimanded and discharged.'"

Mr. *Hume* begged to submit a question to the Chair on a point of form. He wished to know whether the noble Lord having giving the notice to which he had adverted for Wednesday next, it was competent to him to anticipate that motion by moving the Amendment he had just read?

The *Speaker* said, that the usual rule of proceeding was, that an hon. Member having given notice of motion for a future day, was not at liberty to anticipate that motion, by making a new one on the same subject, without any notice. The present question, however, was one of privilege, and a motion having been made on the subject he was not prepared to say that the noble Lord was out of order in proposing an Amendment.

Mr. *Wason* contended that it was a perfect mockery to say that five days' imprisonment was a sufficient punishment for the offence of which Keith had been proved to be guilty; more especially when the witness Sparrow had been in jail for no less than six weeks. He was not aware of any case in which an individual in the custody of that House had been released without previous notice being given of a motion to that effect.

Lord *John Russell* entreated the House to recollect that this was the seventh prisoner whom they had detained in his Majesty's jail of Newgate, on account of the Report of the Ipswich Election Committee. Therefore, without denying that the offence of Mr. Keith was as great as or greater than that of Sparrow, he submitted that the fact of their having afforded a warning to other offenders, by detaining so many persons, some of whom had been confined in Newgate for six or seven weeks, was sufficient to induce the House to come to some immediate determination on the subject. He could not help complaining—not of the noble Lord opposite, nor of his hon. Colleague behind him, but of those who had instructed them to say, on a former occasion, that it was not probable the evidence of Mr. Keith would be required. If they had not received this information, the House might have come at once to the decision that he should be sent down in custody. He did not say he should have given that vote himself, but the House might have been disposed to come to that decision. The Counsel and Solicitor, who gave the hon. Members for Norwich this information, must, he should have thought, have been as well aware of the fact then as now; and he must say, that they had practised an unfair deception on the House. Under all the circumstances, however, if the question came to a division he should vote in favour of the Amendment, for immediately discharging Mr. Keith.

Mr. *Hume* was so surprised at what had just fallen from the noble Member for Stroud, that he must be permitted to appeal from his Lordship's judgment. The noble Lord's argument went to this—that if seven persons were all equally implicated in the commission of a murder, you would do enough for the purposes of justice in punishing five of them, and in letting the remainder escape unpunished. There had been six offenders punished in this case; what was the reason for stopping short and letting the seventh off unscathed? Those who had been confined for some weeks would complain, and with reason, that they had been unfairly dealt with, supposing Keith got off with five days' imprisonment only. He trusted that the sense of the House would be taken on this subject.

Mr. *Patrick M. Stewart* looked upon the case of Keith as one of a very aggravated nature. He had originated the absence of Pilgrim, and was afterwards accessory to the continuance of it, not merely by supplying him with money, (as Mr. Clipperton had done to those whom he had advised to abscond) but also by undertaking a journey in person to Calais, and by their offering Pilgrim to relinquish the charge of embezzlement against him, provided he would still continue abroad. What, he would ask, was the report of the last Committee? That Keith had made use of this charge against Pilgrim to induce him to continue that breach of the privileges of that House which was calculated to thwart the ends of justice. What then was the House now asked to do? To deliver Keith out of custody, to prosecute that very charge of embezzlement which he had promised to forego, provided Pilgrim would continue to set the House and its privileges at defiance. He could not understand why, after imprisoning Clipperton for seven weeks, they should discharge Keith, who had been guilty of exactly the same offence, after an imprisonment of only five days? He would also ask on what grounds the noble Lord assumed that Keith would be discharged by the House immediately after his return from Norwich? He, for one, knew of no grounds for such an assumption. The House might sit seven weeks longer, and from reports of what had occurred to day, it was impossible for any man to say that he now foresaw the termination of the Session.

Mr. *Cutlar Fergusson* was extremely sorry that it was not in his power to vote for the Amendment to which his noble Friend had acceded. A careful perusal of the evidence convinced him that it was one of the most aggravated cases in his recollection. The noble Lord (Stormont) seemed to take it for granted that on Keith's return on Wednesday the House would at once concur in the propriety of his being forthwith discharged. He (Mr. Fergusson) for one, could arrive at no such conclusion. Neither the country nor that House would be satisfied that justice had been done if they consented to Keith's liberation. This man had committed a gross breach of privilege and the punishment for that ought not to be determined by the day on which the assizes commenced at Norfolk.

Lord *Ebrington* said, that it was with regret that he differed on this occasion from his noble Friend, the Member for Stroud. If ever there was a case in which the House was bound to vindicate its privileges, it was in this case of Mr. Keith. Of all the parties implicated by the evidence taken before the Committee, it did appear to him that Mr. Keith was the most guilty.

Mr. *Estcourt* could not agree that Mr. Keith was the most guilty of all the parties whom the House had ordered into custody for this offence; nor could he agree that he was the person who originally procured Pilgrim's absence. He did not, however, mean to deny that Mr. Keith had favoured and facilitated Pilgrim's departure from Norwich, and that in so doing he had rendered himself guilty of a breach of privilege. There was not, however, a tittle of evidence to prove that he had used the charge of embezzlement as a menace to deter Pilgrim from returning home. He thought that Mr. Keith had acted wrongly in becoming a party to an illegal transaction, but he had been taken into custody by order of the House, and had suffered some imprisonment. He was therefore of opinion that enough had been done for the purposes of justice, and he should in consequence support the Amendment.

Mr. *Aglionby* said, that the hon. Member for Oxford was mistaken in saying that there was not a tittle of evidence to connect Keith with these transactions. On the contrary, he was inclined to contend that Keith, if not the only, was certainly the principal, person engaged in procuring Pilgrim's absence. Pilgrim's evidence on this point was, that Keith said to him, "It will not do for you to be subpœnaed to attend the Committee—you must go away." That evidence was confirmed by all the other parcels of Pilgrim's evidence, and also by that of his wife. Moreover, Keith went over to Calais to induce Pilgrim to stay away from England, and that fact appeared upon the testimony of Mr. Jay, the attorney. If the House would assure him that it was its intention to discharge Keith out of custody as soon as he returned from Norwich, he should have no objection to discharge him forthwith, for he had no desire to keep any man in prison vexatiously. House divided on Mr. Wason's Motion:—The Ayes 110; Noes 102;—Majority 8.

List of the AYES.

Aglionby, H. A.
Alston, R.
Bradshaw, J.
Baldwin, Dr.
Baring, F. T.
Berkeley, Hon. C.
Barnard, E. G.
Baines, E.
Barry, S.
Bellew, R. M.
Bewes, T.
Bish, T.
Blake, M. T.
Blamire, W.
Bodkin, J. T.
Bulwer, H.
Burton, H. P.
Bridgman, H.
Brotherton, J.
Browne, D.
Byng, Hon. G.
Brady, D. C.
Callaghan, D.
Campbell, Sir J.
Cave, O.
Clive, E. B.
Collier, J.
Conyngham, Lord A.
Donkin, Sir R.
Dillwyn, L. W.
Divett, E.
Duncombe, T. S.
Ebrington, Lord
Etwall, R.
Elphinstone, H.
Fergusson, C.
Fitzroy, Lord C.
Fitzsimon, C.
Fitzsimon, N.
Finn, W. T.
Finch, F.
Gaskell, D.
Gordon, R.
Grosvenor, Lord R.
Grattan, H.
Grote, G.
Handley, H.
Hall, B.
Hay, Colonel
Harvey, D. W.
Hawes, B.
Hume, J.
Humphery, J.
Kemp, T. R.
Kerry, Earl of
Lennox, Lord A.
Leader, J. T.
Lefevre, Shaw
Lushington, Dr.
Lushington, C.
Maher, J.
Macleod, R.
Marjoribanks, S.
Moreton, Hon. A.
Methuen, P.
Nagle, Sir R.
O'Brien, W.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
O'Ferrall, R.
Paget, Captain
Parker, J.
Pattison, J.
Pease, J.
Perrin, Serjeant
Power, P.
Potter, R.
Poulter J. S.
Philips, M.
Pryme, G.
Raphael, A.
Ronayne, D.
Roebuck, J.
Scholefield, J.
Sheldon, E. R.
Spiers, A.
Stewart, P.
Talbot, J. H.
M'Taggart, J.
Tracy, H.
Tooke, W.
Tulke, C.
Thornely, T.
Tynte, C.
Vigors, N.
Wason, R.
Wallace, R.
Walker, R.
Walker, C.
Wakley, Thomas
Warburton, H.
White, L.
Wilks, J.
Wilde, Sergeant
Williams, W.
Wood, Alderman
Wood, C.

THE LATE SERGEANT-AT-ARMS.] Lord *J. Russell* rose to move the Resolution, of which he had given notice, relative to the late Sergeant-at-Arms. No other opportunity had occurred for the Members of that House to express their opinion of the services rendered by that individual, and he had no doubt that they would readily avail themselves of the present. It was well known that the late Sergeant-at-Arms had been a zealous and faithful servant of the House for a long period of years, and that he had now retired upon an allowance, the amount of which would entail no additional expense upon the country; Appreciating, as he did, in common he believed with the rest of the House, the services of Mr. Seymour most highly, he would conclude by moving the following resolution:—"That Mr. Speaker be requested to acquaint Mr. Henry Seymour that this House entertains the highest sense of the exemplary zeal and fidelity with which he has uniformly discharged the duties of his situation during his long attendance in the service of the House."

Sir *Robert Peel* had the greatest pleasure in seconding the motion of the noble Lord. Strong as political opinions were in that House on all party questions, there was always great satisfaction in finding one on which they could express an unanimous opinion. He believed the opinion of the House would be unanimous on the occasion. He did not believe that the duties of Sergeant-at-Arms could be discharged with greater assiduity patience, or suavity than they had been performed by Mr. Seymour. He knew little of Mr. Seymour personally, but judging of his mind and character by all he had seen of him in the performance of his duty, he very much doubted whether this unanimous record of the approbation of the House would not give much more satisfaction to a mind like his than any pecuniary reward.

The Resolution agreed to *nem. con.*

COMPENSATION — ABOLITION OF SLAVERY.] The *Chancellor of the Exchequer* said, that perhaps the most convenient way for him to communicate to the House what had recently passed on the subject of the loan for paying the compensation to the slave-owners, would be by moving that the Compensation Act be read, and that the House do resolve itself into Committee upon it, when he would take the opportunity of making his statement, and moving certain resolutions with a view to carry the money provisions of the Bill into effect. He also moved that a Copy of the Contract for raising 15,000,000*l.* under that Act, be laid on the Table.

Copy laid on the Table and read.

Mr. *Hume* asked whether his right hon. Friend was going to lay any information before the House? If so, he apprehended that the Papers or Resolutions should be printed before calling on a Committee to agree to a Vote on the subject.

The *Chancellor of the Exchequer* said that his object in going into Committee was, pursuant to notice, to propose a Vote to give effect to such provisions of the contract he had entered into, as required parliamentary sanction. With respect to the loan, it required no confirmation, being contracted according to Act of Parliament, and, as far as that was concerned, his object was to explain to the House the circumstances that attended the negotiations and the conditions under which the loan had been contracted. He believed he was pursuing the usual course in proposing to go into Committee on this occasion.

The House resolved itself into a Committee, and the Act was read.

The *Chancellor of the Exchequer* confessed that, if it were not for his confident reliance on the kind indulgence of the House, he should feel great difficulty in rising to address it on the present occasion, because he well knew that the details into which he was about to enter, were not of a nature very likely to captivate the attention of hon. Members. But, at the same time, he felt conscious that the transaction in question was one of the most important of the kind which had been laid before Parliament for many years; and he might therefore hope to receive that attention to which individually he had no claim. The House was aware that under the Slavery Abolition Act, which had just been read, there were provisions enabling the Government to raise, by way of loan, a sum not exceeding 20,000,000*l.* for the purpose of giving compensation to the owners of slaves in our colonies. The provisions of this Act were seriously discussed at the time when it was passed by the Legislature, and the powers vested in the Government under it, differed materially from those which had been granted to it on all former loans. By former Acts, it was left to the Chancellor of the Exchequer to open negotiations for loans with individual contractors, and he was then to come to Parliament and ask for a recognition and confirmation of the contracts which had received his approbation; but, under the powers conferred by the present Bill, the Legislature intrusted the Government with full authority to contract the loan, only saving the power of Parliament by providing that the loan should be contracted while the Parliament was sitting, and the papers connected with the loan should be forthwith laid on the Table of the House. Acting under the provisions of this Act, it became his province, as soon as he could ascertain the time when it was necessary to make provision for the required sum, to take the necessary steps for effecting a loan. He believed that there were some individuals disposed to censure him for the delay that had occurred in the transaction, and to impute some blame to him for not having taken those steps at an earlier period than he did; but there were many circumstances that had induced him to postpone to the latest possible moment, the act of entering into a contract for the loan. With those circumstances, however, it was unnecessary for him to trouble the House. Under the provisions of the Compensation Act, while the Government had full power to raise the 20,000,000*l.*, it was restricted as to the period of entering into the contract, within the limit of the time when Parliament should be sitting; and, therefore, now binding himself in the month of August, he felt compelled to make provision for the *maximum* amount of the demand to which, under the Compensation Act, the country might be liable from this period till the usual time of the House meeting again. The full amount of the compensation for all the colonies was 20,000,000*l.*, of which sum 2,100,000*l.* was devoted to the Mauritius, and 1,200,000*l.* to the Cape of Good Hope; and as neither of these sums could come into course of payment between this and February next, he felt justified in excluding that 3,300,000*l.* from the loan. There was also a sum of 1,721,000*l.* apportioned to the island of Barbadoes, to the circumstances connected with which he would call the attention of the House. His hon. Friend the Under Secretary for the Colonial Department, in his admirable statement on the subject of our West Indian Colonies, had informed the House, that the Colonial Act passed by the Legislature of Barbadoes, in pursuance of the Slavery Abolition Bill, was of such a nature that it became necessary to communicate to the Assembly, that in the opinion of the Government its enactments were inadequate and unsatisfactory, and could not be allowed by his Majesty in Council. This being the case, till a new Act was passed by the Colonial Assembly he should not be required to provide compensation for the proprietors of slaves in Barbadoes, but he might be put in that position before long, an act might pass that would be considered adequate and satisfactory, and in that case, if he excluded Barbadoes in contracting the loan on this occasion, and if the colony agreed to such an act as he had described, before the next Session of Parliament, the proprietors in that island would be deprived of their compensation till the re-opening of Parliament. He therefore proposed, not as a part of this contract, but upon a separate Resolution, in compliance with a provision pointed out by a noble Lord not now a Member of the House, to ask the House for power to create a fund representing the amount of the Barbadoes compensation, to be dealt with subject to the orders of the compensation Commissioners. Here then was a sum of 1,700,000*l.* (speaking in round numbers) which possibly might not be soon required, and adding to this sum the 3,300,000*l.* awarded to the Cape of Good Hope and the Mauritius, but which could not be wanted before the usual time of the meeting of Parliament, he obtained a gross amount of 5,000,000*l.*, which might be excluded from a consideration in contracting the present loan. He found himself therefore bound to make provision for a sum of 15,000,000*l.* sterling, but the precise period at which he might be called on to pay it was uncertain. He might be called on to provide a considerable sum in September next. For all claims to compensation which should be unopposed, and for all which being opposed became matter of reference to a court of law, he might be called on to provide at once—in the first case at the desire of the parties, and in the second at the instance of the court; and the public would be liable in both cases to make immediate provision for the demand. Looking at so large an operation as this loan of 15,000,000*l.*, it appeared clear to him that he could only raise such a sum with convenience by distributing it in instalments over a given time; but in taking this course he felt it might happen that the amount of the instalments to be paid might not be sufficient to meet the just claims of the West Indian proprietors at the time, and that they might call for a larger amount of compensation than the contractors would have been bound to furnish. To provide for these two cases—namely, to be enabled to meet the required payments, and at the same time to avoid the inconvenience of raising a large amount of the loan at once, he proposed that where the instalments already paid were not sufficient to meet the demands of the West Indian proprietors, it should be the duty of Government to issue certificates or debentures, bearing interest, and specifically charged on the next instalment of the loan. Those debentures should be payable to the bearer. In fact, they would be bills at thirty-one or sixty-one days, as the case might be, redeemable at the period fixed, and issued so as not to act inconveniently on the Exchequer-bill market. These certificates should be receivable in payment of the instalments of the loan. As the instalments were intended to pay off the debentures, if a party delivered up debentures, it amounted, in point of fact, to a money payment and would not be objected to. He proposed that the instalments should be distributed over a period of time, from the 6th of August till the 13th of September, and they would be so regulated that the larger amounts should be payable at the same time as the greater dividends would be demanded, and the smaller when the amount of money required might be expected to be less. This, he must here remark, was the first loan made under circumstances such as the present, and since the alteration in the currency. This might be said to be the first considerable loan contracted under the new state of the circulation and of the money-market, as it was also the first loan effected when the price of stock was so high as at present; consequently, if the loan contractor anticipated a fall rather than a rise in the price of stock, it would govern his biddings accordingly. Before he stated the terms of the loan, he must observe, that at the time the tender was made in the money-market he understood, and had reason to believe, that he should have the advantage arising from the competition of two or three parties. It would have gratified him exceedingly to find that there was such competition, for then he should have felt himself free from the responsibility of dealing with one tender only, and if he had been enabled to come down to the House and assure it that the contract was regulated by open competition, it would have been extremely satisfactory. Well, then, the opportunity for such competition was tendered to the public, but it so happened that two out of three parties declined availing themselves of it, and he this day found that the only tender made was by the house of Rothschild and Co., a firm the name of which was a sufficient guarantee to the House. Under such circumstances the only protection he had, as against the contractor, consisted in the terms which he had previously enclosed in his own sealed paper; the form of that proceeding being, that if on receiving the contractor's tender he found it more advantageous to the public than the terms contained in the sealed paper, he was bound to accept it; but if, on the contrary, it proved to be less advantageous, he had the option of declining the tender. He would open his paper on receiving the tender, and if it contained lower terms than the contractor offered, the alternative afforded to that individual consisted in their rejection, if he did not choose to accede to them. He would now tell the House what proposal he had that morning received, the terms which the first Lord of the Treasury and he had previously placed in their sealed paper, and the result of the whole transaction. The closing price of Consols on Saturday was 90½, which gave for the proposed amount of 75*l.*, in money 67*l.* 17*s.* 6*d.*; the three per cents reduced left off at ninety-one, 25*l.* in which amounted to 22*l.* 11*s.*; and the tender by by Messrs. Rothschild was a long annuity of 14*s.* 11*d.* The terms he had proposed in his own sealed paper were a long annuity of 13*s.* 7*d.*, which, valued in money at the closing price of Saturday—16⅝, amounted to 11*l.* 5*s.* 9*d.* Having rejected the proposition of Mr. Rothschild, that Gentleman, after considerable deliberation, acceded to his, and on those terms was the loan contracted for. He would now state the exact difference between the one tender and the other. But first he must observe, that in the Act of Parliament under which this loan had been contracted for, there was a limitation on the operations of Government, which, though it had an absolute right to raise a loan which should be binding on the nation on being formally completed, was nevertheless restricted to this condition—that the interest payable to the contractor should in no case exceed, by more than 5*s.* per cent, per annum, the current rate of interest, according to the market price of redeemable securities at the time. At that rate, the *maximum* amount of interest under the Bill would be 35,760*l.* per million, or 760*l.* above the 3½ per cents, as calculated on the average price of Consols during the last six years. The terms on which he had made his proposal, as contained in the sealed paper, differed from the *maximum* amount of interest provided by the Act, by a sum of 23,613*l.* a-year, or by a principal sum of 405,535*l.* The terms proposed by him, and accepted by Mr. Rothschild, differed from the terms originally offered by the contractors to the extent of an annual charge of 10,075*l.*, representing a principal sum of 149,233*l.* It therefore appeared, that the Government had saved, between the tender of Mr. Rothschild and the terms contained in the sealed paper 10,075*l.* a-year, and between the *maximum* amount of interest allowed by the Act and the actual terms of the loan 23,613*l.* per annum. At what rate of interest was this loan practically contracted? The money amount was 101*l.* 18*s.* 3*d.*, the contractor being entitled on paying up the instalments to a discount; the value of that discount was estimated at 1*l.* 19*s.* 9*d.*, making a total sum of 103*l.* 18*s.* Now the ordinary discount on former loans having been four per cent, there never had been a rate of discount so low as that to be allowed on the present loan. In addition to this, take the actual rate of interest on the loan, and compare it with the fairest standard, the average interest of Consols during the last six years, years of peace. He hoped the next six years would be as tranquil as the preceding, and in that case the contractor would reap the full advantage of his bargain. Referring to the last six years—no unfair standard—he found the average interest of Consols to have been 3*l.* 10*s.*, while the present loan had been contracted for (even with the funds at 90, 90½, and 91) at a rate of interest of from about 3*l.* 7*s.* 6*d.* to 3*l.* 7*s.* 8*d.* per cent. A more advantageous loan had never been contracted, and he could not but expect that the arrangement, would prove satisfactory to the House and the public, seeing the unparalleled low rate of interest to be paid. Comparing the interest payable on this with that paid on other loans, he found the advantages of the present arrangement exceedingly striking. The interest on the loan contracted in 1812 was 5*l.* 5*s.* 7*d.*; on the first loan in 1813, 5*l.* 10*s.* 6*d.*; on the second loan of 1813. 5*l.* 6*s.* 2*d.*; on the loan of 1814, 4*l.* 12*s.* 1*d.*; on that of 1815, 5*l.* 12*s.* 4*d.*; on the loan of 1819, 4*l.* 5*s.* 9*d.*; on that of 1820, 4*l.* 3*s.* 3*d.* and on this loan, no more than 3*l.* 7*s.* 6*d.* More favourable terms than these could not be expected by the House or the country. This rate of interest was to be computed, not exactly as the present charge, because 101,000*l.* consisted of terminable annuities but the charge for permanent debt was no more than 3*l.* 7*s.* 6*d.* per cent. He had now completed his statement on the subject of this loan, and he congratulated the House that security had been taken which enabled it to see that whenever the Session might close no claim could be made on the justice of Parliament by the West Indian proprietors which the Government would not be in a condition to answer. It was satisfactory to find that, under the present arrangement, every portion of our obligations would be rigidly fulfilled, because no West Indian proprietor could consider that wrong was done to him by paying him in debentures instead of money. He took pride in saying, that the whole operation had been effected, without imposing on the Bank or the Government any species of obligation which had the remotest tendency to disturb the circulation of the country. In carrying into effect similar objects heretofore, arrangements had been, perhaps necessarily, made with the Bank to facilitate the payment of instalments under loans. But here, though the rate of interest did not exceed 3*l.* 7*s.* 6*d.* or 3*l.* 7*s.* 8*d.*, no obligation to take in the *omnium* was imposed on the Bank, and the management of its concerns was left to its own unfettered discretion. He hoped the House would not have wished, even if he could have reduced the terms of the loan, that the operation should have been effected at the hazard of causing embarrassment to the circulation of the country, or at the risk of exposing the Bank to the necessity of making an undue issue of paper at a time when it might not be disposed to take that course. He had now explained to the House the plan he had taken; but the means he intended to pursue with regard to a provision for past interests required further explanation. The Resolutions which he was about to propose would be reported to the House, and afterwards printed, so that they would be completely known. His noble Friend (Lord Althorp), in the statement which he made with respect to his plan for providing for the interest on the West Indian loan, assumed the *maximum* of the amount that would be required, and stated that he would make a reserve of 800,000*l.* This would have carried the interest up to four per cent, deducting the expenses to be incurred. But his noble Friend had never pledged himself, nor was he in a position to pledge himself, with respect to the amount of interest that would be due; yet, because he had stated that the *maximum* of the sum required would be four per cent, some individuals had mistakenly assumed that this was in fact the *minimum*, and that there was an obligation on his noble Friend with respect to the rate of interest to be hereafter paid. No such thing ever occurred. His noble Friend was not pledged either as to the amount of interest, nor as to the period when that interest was to begin. In order to decide the latter point, it behoved the House to inquire on what ground this charge became payable. It was payable as a compensation for loss sustained under the Slavery Abolition Bill. When, he would ask, did that loss arise by the alteration in our colonial system? The answer was on the 1st of August, 1834; consequently, in justice, the House was bound to provide interest for the West Indian proprietors from that day. His Resolution would affirm that proposition. But they must next inquire what should be the rate of interest? At first he was inclined to propose fixing it at what might not have seemed unreasonable—the rate of interest on Exchequer Bills. On reflection, however, he considered that this might press too heavily on the slave-owners, and therefore, he proposed that it should be paid in accordance with the rate of interest chargeable for the present loan, and he should call on the House to allow this rate of interest, from the 1st of August, 1834. By the Abolition Act it was provided, that the expenses of the Compensation Commissioners at home and abroad should be deducted out of the sum available as compensation to the West Indian proprietors. The principal sum had been apportioned among the colonies, and a table, fixing their respective proportions, having been approved of by the King in Council, had been published and sent out to the colonies. If, therefore, he could get the means of paying these expenses without disturbing this order, he thought it would be more satisfactory to the colonists than if he made a rateable deduction from the amount fixed by the order of apportionment. He proposed, with this view, to raise a sum payable out of the interest due from the 1st of August to meet the whole expenses of the Compensation Commissioners, and he estimated that sum at 150,000*l.* He had now stated the two points to which he referred at the outset; he had explained the terms on which the loan had been contracted, and the precautions taken to make the contract advantageous to the country. He had compared the interest payable with the interest on former loans—with the interest of the three per cents, on an average of the last six years—and on all these points he had shown that the loan had been effected on advantageous terms, while the operation exposed the circulation of the country to no risk and imposed no undue obligations on the Bank. He had explained that in the proposition he made was contemplated the payment of interest to the West Indian proprietors, from the 1st of August, 1834, up to the period of their payment out of this loan. He knew not whether he had had the good fortune to make his statement clear and intelligible to the House, but knowing the difficulty of the subject, he had endeavoured to be as simple and explicit as he could. He thought himself warranted in saying that this loan possessed two characteristics, which no loan ever before had. He had provided for the payment of the interest after the reduction of a vast amount of taxation without looking to any increase of the burthens of the country. It was also to be observed, that this loan had not been contracted for the purposes of national defence, or to gratify our ambition abroad, but with a view to carry into effect at once a great object, long desired by the friends of humanity in this and other countries. In doing that it was above all things necessary to preserve a due regard for the interests of parties, in a particular species of property which had been created by our laws rather than by their own, and was the creature of English encouragement rather than the production of the colonies. Such being the case, England was justly called on to make compensation for destroying interests which it had itself created, more especially at a time when he trusted he might venture to say, the great experiment undertaken under the care and superintendence of his noble Friend had already exceeded in the favourable results by which it was attended the expectations of the most sanguine—a matter that was the more deserving of congratulation at a period when the state of our colonies had been a subject of deep anxiety. In conclusion, the right hon. Gentleman begged leave to move the two following Resolutions:—"That the Commissioners of his Majesty's Treasury be authorized to direct the payment, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, of a sum sufficient to pay to the owners of slaves entitled to compensation in pursuance of the Act for the Abolition of Slavery, interest on the amount of their respective compensations, not exceeding 3*l.* 7*s.* 9*d.* per cent, from the 1st day of August, 1834, to the time when the amount of such compensation shall be awarded, after deducting thereout the expenses which may have been or may be incurred in the execution of the said Act." "That Bank Annuities equal to the sum of 1,721,345*l.* 19*s.* 7*d.* sterling, shall be placed in the books of the Governor and Company of the Bank of England, in the names of the Commissioners for the Reduction of the National Debt, to be applied in payment of the compensation to the owners of slaves in the island of Barbadoes, on the terms and conditions specified in the Act for the Abolition of Slavery, which sum shall be added to, and shall form part of, such Bank Annuities, and the interest thereon shall be charged upon and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland." He must explain that the variance between the terms of the first Resolution and his statement of the rate of interest arose from the difference between the charge of the loan as actually contracted, and supposing it contracted wholly in perpetual annuities. To explain this accurately to the House, required certain abstruse calculations to be made, in order to ascertain the precise rate of interest which were not yet completed, and therefore in the Resolution the rate of interest had been taken at the highest possible sum, 3*l.* 7*s.* 9*d.*, but he had every reason to expect it would not exceed the amount mentioned in his speech,—namely, 3*l.* 7*s.* 6*d.*

The Question having been put,

Mr. *Hume* complained of the nature of the transaction, as far as he could understand it. His right hon. Friend had contracted a loan of fifteen millions, for which he gave 100*l.* Stock, and 11*l.* 5*s.* 10*d.* Long Annuities; so that in point of fact he gave 111*l.* 5*s.* 10*d.* for every 100*l.*; with this difference only, that 100*l.* of that sum was paid in Stock. The goodness of the bargain depended upon the fact, whether the three per cents, should be at par or not. His right hon. Friend thought, that they would not be at par for several years; and his (Mr. Hume's) expectation was, that they very soon would be at par, in which case the contractor would have a great advantage. He would have preferred a more simple system of making the loan. He would have preferred if the Chancellor of the Exchequer had said to the contractor, "I want 100*l.* say what rate you can give it at?" and whatever the rate on which it was borrowed was, it might be reduced to 3½ per cent. Whether the loan was profitable or not, depended entirely upon the rise or fall of Stocks. He did not think that the loan was either so simple or so favourable as might have been obtained. He was not disposed to think that it was a favourable loan, considering the present state of the Money Market.

The *Chancellor of the Exchequer* was rather disappointed to find that the terms of the loan did not give satisfaction to his hon. Friend, but he hoped that on consideration it would appear more and more satisfactory to him. He was expressly precluded from the arrangement proposed by his hon. Friend, by the provisions of the Act itself, to borrow a part of the sum by way of annuity. He was rejoiced however, to find that his hon. Friend objected to the terms of the loan on the grounds of the flourishing state of the country, in which he was very happy to agree with him. His hon. Friend had objected to the annuity system, and said he could have contracted the loan entirely in stock; but the effect of that was, to prevent this loan becoming to that extent a permanent burden on the resources of the country.

An Hon. Member observed, that he could not help congratulating the country on the good state of public credit, as exemplified in the terms on which this loan had been effected. If any insidious measure for tampering with the currency had ever been listened to by Parliament, most assuredly a large loan like that now proposed could not have been effected on the terms stated by the right hon. Chancellor of the Exchequer. The present loan differed from all others; all former loans had been raised for the purpose of carrying on war, the present, however, had been effected for the purposes of humanity, and for removing a foul blot on the nation.

Mr. *Thomas Attwood* remarked, that at present there were four millions of gold and one million of silver disposable in the Bank of England. He wished to learn from the right hon. Gentleman whether this loan of fifteen millions was to be paid in paper money or in gold, and if in gold where it was to come from.

The Resolutions were agreed to, and the House resumed.

The Church (Ireland)—Committee.] The House went into a Committee on the Tithes' Committee (Ireland) Bill. The question was the postponed Clauses.

On Clause 9 (compositions for tithes may be revised on application to the commissioners of land revenue),

Lord *Clements* said, that he, as well as other Irish Members, objected to a permanent composition of tithes on the basis of the old system, for in numerous cases improvident agreements had been entered into. On this ground he was anxious to afford facilities to re-opening compositions now entered into. He was satisfied that the course he suggested was the most convenient that could be adopted. He objected to so large a number of tithe-payers being required to appeal against a composition, before it could be re-opened. His object was, not to make a reduction in tithes, but when they had been raised above their real amount that they should be reduced to their just value; or where the clergyman had received less than he ought to have done, that there should be an increase. He could not consent to the Clause in its present state; he therefore trusted that his noble Friend would consent to re-open a composition when an appeal was entered by considerably less than one-half the number of tithe payers.

Viscount *Morpeth* thought that it would not be advantageous to open compositions, unless it appeared that some grounds of complaint existed; and if they did, there would not be any difficulty in getting the requisite number of signatures. He thought that the Bill at present pressed sufficiently hard upon the clergyman, and he did not wish to add to his trouble. There was, under this Clause, sufficient power of appeal, and he objected to open appeals without good cause.

Mr. *O'Connell* suggested that a revision of the composition might be allowed on the appeal of one-third of the tithe-payers instead of one-half. He also recommended that the period should be extended in which the appeal was to take place.

Viscount *Morpeth* thought that if there was good ground for complaint, parties were sufficiently alive to their own interests. He therefore should in this instance adhere to the general rule—that the question should only be opened at the discretion of the majority.

Mr. Sergeant *Perrin* said, that it was not necessary that there should be a majority of the tithe payers to open a composition, but even a single individual might do so, if he paid more than half the tithes.

The Clause was agreed to.

On Clause 50, providing for the remission of the million advanced to the Irish clergy,

Mr. *Harvey* said, that as he understood the Clause now proposed was that which remitted the repayment of the 1,000,000*l.* which had been granted by this House to the clergy of Ireland in aid of their defective funds, consequent upon the arrear of tithes due to them, he could not but express his surprise that the noble Lord opposite (Lord Morpeth) and those who formed the Government with the noble Lord, should think it sufficient simply and solemnly to make this proposition to the House without offering any explanation, and without condescending to give any information as to the grounds upon which the people of England were to be called upon to pay 1,000,000*l.* of money, wherewith to pay the debt due by the people of Ireland to the clergy of the Established Church of that country. It was a wholesome practice (usually followed) that at least some explanation should be afforded when a proposition of this kind was introduced, or that something should be done, either by quoting a Resolution of the House or by reading part of a Speech from the Throne, to call the attention of the House to the subject. In this instance, he took it that the Government held it for granted that no individual would be found to dissent from the palpable justice and equity of the proposition, and that by their silence upon it they meant to convey, that no good reason could be urged against such a prodigal grant, as he would term it, of the public money. With respect to that grant, he would beg to recall the House to the observations which had been made by the Government by whom the loan, as it was then called had been advanced. He had before him extracts from the speeches of the noble Lord at that time Chancellor of the Exchequer (Lord Althorp), and others of the then Government, from all of which it appeared that it was then contemplated the loan was to be repaid. The then Chancellor of the Exchequer said, "that he wished it to be understood that the last proposition which he would make to the House and to the Representatives of the people, was a proposition that 1,000,000*l*. of money wrung from the industry of England should be applied to pay the debts of the Irish landlords to the Irish clergy." Lord Althorp also had observed, "that if he felt this measure (that effecting the advance of the loan) would fix the people of England with the repayment of the advance, the Government would not be justified in proposing, nor the House in supporting it." In addition to this he had the speech of the right hon. Gentleman at that time Secretary for Ireland (Mr. Littleton), in which he had said that, "it would be most improper for a minister of the Crown to propose to give to the Irish clergy 1,000,000*l*. sterling, unless its repayment was secured to the people of England, by whom it was to be advanced. He had also before him the opinions expressed on that occasion by a right hon. Gentleman, now one of the Cabinet, and who, anxious to exonerate himself from the imputation of being a party to a grant so prodigal in amount, and so profligate in principle, had said—and he (Mr. Harvey) alluded to the right hon. Gentleman the Member for Manchester—that "nothing could be more at variance with his own opinions, and with what he considered to be the interests of his constituents, than to vote away the money of the people of England for the payment of the Church Establishment of Ireland. He, continued the right hon. Gentleman, should however ground his vote in favour of the grant, on the assurance which his noble Friend (the Chancellor of the Exchequer) had given, that it was not intended the money advanced should be a gift, but, on the contrary, that measures would be taken to recover the whole advance, and that its repayment would be legally secured." The same sentiments had been re-echoed by the present Attorney-General for Ireland (Mr. Perrin), and, indeed, there was not amongst the present Government, or their supporters in this House, a single individual who viewed the advance otherwise than as a loan, to be amply and sufficiently secured. The right hon. Baronet, the Member for Tamworth, had also expressed an opinion to the effect that in making this advance the interests of the people of England, who paid their own tithes, were to be regarded. The right hon. Baronet had also added that this loan ought to be repaid by the people of Ireland. It was for those who had expressed these sentiments formerly now to afford some reason upon which they justified the remission of the repayment of this advance. Even the right hon. Baronet, the Member for Tamworth, in the eloquent speech with which he introduced his motion of instruction to the Committee to divide this Bill into two parts, had failed, though he had urged much against the misappropriation of the revenues of the Church, to breathe a syllable or to utter a word against such a misappropriation of the funds of the people of England. The Government were, however, now prepared to remit that appropriation without one syllable of explanation from the Government; for though he had heard the speech of the noble Lord opposite (Lord Morpeth), and though he had since read that speech, corrected by authority, yet he had failed to find any explanation afforded as to the course proposed by Government. It was true that the noble Lord had admitted that this was not the least difficult branch of the whole matter, but there the point rested, and he (Mr. Harvey) had no doubt but that if instead of a gift of 1,000,000*l*., this measure had extended to 5,000,000*l*., it would as easily have been disposed of as at present. With regard to the original grant of 1,000,000*l*., he begged to say that he would not express an opinion hostile to the assistance which had by that means been afforded to the clergy; on the contrary, he thought it most proper, and his only complaint was, that there had been no discrimination used in dealing with it. It might be just and proper to afford a gift or grant to a man pre-eminent in the discharge of his clerical duties; but, on the other hand, he could fancy that there were some clergymen of the Irish Church who were not to be found resident in their parishes—not promulgating the doctrines of the religion of which they were the ministers, but who were to be found in the club-houses of Cheltenham, or whose tithes were remitted to them in Paris or elsewhere. The pluralist was thus paid in the same way as the man of small means and of great labour, and this was the undiscriminating principle upon which the loan had been administered. It was true that it had been insinuated by the wisdom of the Government that the remission of the million was but a small price to pay for the great benefit which would result to the community; but, even so, it was marvellous that the Government should not have endeavoured to inform the people of England, who were to pay the price, the nature of the benefit that was to ensue. Often had the outpourings of the hon. and learned Member for Dublin gone forth that Ireland and her interests were neglected in this House—that everything that was Irish was regarded with distaste by the House; but he would declare that the activity of the Irish Members not only succeeded in occupying the attention of the House, but that also, as in this instance, they secured benefits to their country. He hesitated not to say, that a more beneficial measure than the present could not have been obtained for them even from a Parliament sitting in College-green. It was a measure essentially selfish and conservative. It was a selfish measure, because the Government and their adherents supported it with a view to their continuance in place, and the Conservatives supported it because the maintenance of the clergy was a portion of their own measure. The only extenuation to be advanced on behalf of the noble Lord was, that he was not the author of this suggestion, but had adopted it lest the measure should be lost. He did not doubt but the Bill was supported by one party because they regarded it as an instalment, a sort of 6*s.* 8*d.* in the pound, and as a step by which to obtain the remaining 13*s.* 4*d.* This would be of no advantage to the people of England. He believed that every man was quite prepared to recognize the claims of the clergy to all their existing interests, and he was ready to pay them not 75*l.* out of the 100*l.*, but 100*l.* so long as they lived, but after that he was anxious to have the entire property to be disposed of according to the wisdom of Parliament. If the Government had propounded, or should propound, wholesome measures of Reform, he ventured to say, that so far from finding any prejudice in the minds of the people of England, they would be the first to recognize the system to which he had thus but slightly alluded. But he was prepared to show, that by this Bill not less than 5,000,000*l.* of English money was given up to the Irish Church; but without entering into that question he maintained that let the tithes belong to whom they might, even if the Church was wholly abolished, the whole tithe property was attached to the people, to be disposed of as Parliament should direct. It was true that the House was told that the remission of the million was the oil to the measure, and would facilitate its passage through another place. He begged to inquire what evidence of concession there was at this moment in the quarter to which he referred. On the contrary, the other House of Parliament was now running the race of popularity with this branch of the Legislature, was now manifesting a peculiar jealousy for the vested rights of the lower orders, and a desire to throw the shield of their order round the unprotected. He would not give the House of Peers the opportunity of saying that they had saved the country the sacrifice of the million to which the Representatives of the people had consented. But it was said that it was impossible to recover the amount advanced. If so, let it at once be declared by the Government to have been a loan advanced upon bad security, and, with true commercial spirit, let it be classed amongst the bad debts which they had incurred, but let it not be said that it was the price or purchase-money of a benefit to Ireland. If the arrears of tithes could not be enforced, he was at a loss to know how it was possible, *mutato nomine*, a rent-charge for the same purposes was to be levied. He had looked to the laws relating to tithes in Ireland with some trouble, and he found the result to be this—that the Bill of 1823, known as Goulburn's Act, encouraged voluntary composition for tithes. Then came the Bill of 1832 (Lord Stanley's), which made composition compulsory; and at the present moment the law was, that the same remedy was afforded for the recovery of tithes as was provided for the recovery of rent. Again, he contended that tithes were a primary charge, and recoverable as such; and he begged to inquire from the right hon. Gentlemen opposite in what manner they thought the recovery of this substituted rent-charge could be enforced? He had no doubt but that before two Sessions were over, the House would be informed of agrarian disturbances against tithes, or, as they would be then called, rent-charges. Agitation would follow, and he should be sorry it should be otherwise, for the simple reason—namely, the principle adopted by the Dissenters of this country, not against the amount of the imposts to which they were liable, but to the system of their being obliged to contribute to the maintenance and support of a Church Establishment from which they derived no benefit. What benefit, he should like to know, would the commutation of tithe into a rent-charge be to the numerical population of Ireland? None whatever: it might be a benefit to the landlord, but it could be of advantage to no one else. The landlord, indeed, would benefit by it, for he would get the thirty per cent, now remitted. He (Mr. Harvey) called upon the Government to state in what way the people of England would ever derive any advantage equal to the amount of this 1,000,000*l.* now remitted to the clergy. With the example of Ireland before them, the tenants of England would in a few years—say from 1835 to 1838, or so long as it was necessary to make agitation successful—be coming forward to claim a remission of tithes like that obtained by the tenantry of Ireland. If that were the course pursued by the tenantry, then the clergy of England would come to Parliament and require not 1,000,000*l.*, but 3,000,000*l.*, or 4,000,000*l.*, to satisfy their claims on the benevolence or justice of their country. Out of whose pockets, he would ask, were those three or four millions to come? He would ask the Conservative landlords about him, who called on his Majesty's Government to give up the tax on cur dogs, and on pantiles, and who thanked God when such concessions were made to them—he would ask the Conservative landlords he said, to act honestly by their tenants, and to declare at once that they would not allow them any longer to pay down their solid money on account of Irish tithes. That language he had not yet heard from the Conservative landlords, but that language the House might yet be fortunate enough to hear from them. The hon. Member concluded by saying, that he should not propose any specific Amendment, as he did not know any specific fund upon which the million could be charged; but if the Government carved out the way, he would assist them in carrying it into effect, at the same time he should oppose the Clause.

Viscount *Morpeth* would not attempt to defend the proceedings and the circumstances which rendered it necessary for him to call upon Government to remit the repayment of the money advanced under the Million Act. The only ground upon which he urged the remission of this law was that under existing circumstances without worse sacrifices and greater evils, they could not avoid making that remission. He, therefore, opposed the hon. and learned Member's proposal for the omission of this Clause, and equally opposed was he to the other suggestion of the hon. and learned Member to enforce the payment of interest upon the sums advanced out of the Million Fund. He was opposed to the latter proposal upon the following grounds, that the payment of that interest must either be collected from the landlord, from whom he money was not due, or from the occupying tenant, or from the clergyman. He could not consent to enforce this payment from the clergyman unless the Government were at the same time to hold themselves prepared to back him in a crusade for the recovery of all the tithes which were due to him from the occupying tenant. He could not consent to recover it from the occupying tenant, because the very object of this Bill was to do away with the payment of tithes by that class of people. Finally, he could not consent to support this claim of interest against the landlords, because whilst by the Bill they were imposing a new responsibility and charge upon that party, it would not be fair, in defiance of all promises held out, to impose this additional burthen upon them. He would rather call upon the people of England not to refuse to take their part in the great common sacrifice which was necessary for the peace of Ireland—he would rather do this than depart from the terms of the compact under which this measure had been introduced, a measure equally necessary, in his opinion, to the very existence of the Church Establishment as to the safety of the empire.

Lord *Stanley* agreed with much of what had fallen from the hon. Gentleman who had introduced this subject; but he differred from the conclusion at which he had arrived. He agreed with the noble Lord who had just sat down, that the Motion of the hon. Member would not accomplish the object for which it was intended. The people of this country, he thought, ought not to be called upon to pay a sum of money which was due by others; though he at the same time believed that they would not object to pay, if their doing so could lead to a final settlement of the Question under consideration. The great objection which he (Lord Stanley) had to the payment of the million by the people of this country was, that it would be, in effect, holding out a *bonus* for the successful violation of the law, and imposing a penalty for its observance. It would be an act of gross injustice, which would weaken the hands of Government. He was most anxious to withdraw the Clergy from the possibility of collision with the people, and at the same time to satisfy the claims of justice. His noble Friend opposite was now charged with the administration of the affairs of Ireland, and no more important trust could be committed to his hands. He begged of him then to look to the situation in which he would place the gentry and the tenantry of Ireland by his present mode of proceeding. In the first place, he made no particular reference to any individual, the noble Lord would find a resident landlord who was respected and looked up to by his tenantry as their guide and friend. His tenants would come to him to ask his advice on the subject of tithes, and inquire whether it would be better for them to resist or not. The landlord, acting conscientiously, would tell them by all means not to resist, but to obey the law—would picture the likelihood of litigation and bloodshed if they resisted — and assure them that in the long run, Government would succeed in enforcing the law, and they would be made to suffer for their disobedience. Suppose a contrary case, of a harsh landlord, little caring for anything so that his own rent was paid, and who, consequently, recommended his tenants to make passive resistance to the law enforcing tithes, assuring them that in the end, by such conduct, they must succeed in procuring the abolition of tithes. These two distinct pieces of advice might be given and followed; and in what condition would the Government and the landlords be placed in respect to the tenantry when he who recommended obedience to the law was held up to odium and contempt, and he who advised disobedience to the law turned out to have acted in accordance with the views of, and to receive a sort of tacit applause from, the Government, who should have vindicated the law as it stood? But, as he had before stated, if he thought there was any chance that this Bill would settle the Question of Tithes and ensure peace to Ireland, he might be induced to consent to this Clause as a part of the price of so happy a change. But he would ask the noble Lord were there any fifty of those who supported this Bill who did so under the impression that it would bring about the final settlement of the Tithe Question? But his noble Friend said, he could not collect the money paid on account of tithes. Then, he would ask, what chance had he of collecting the rent-charge? He quite agreed that it was expedient to withdraw the clergyman from actual collision with the occupying tenant; but if it were supposed that beyond this advantage there would accrue benefit to the occupying tenant to the amount of one sixpence through the operation of this Bill, that supposition was contrary to all the dictates of common sense. The occupying tenants could not benefit in the slightest pecuniary way by the new arrangement introduced by this Bill. It might be said the tithe would be paid more readily, as being intended for purposes of education. He thought not. Those who expected that, he felt confident would be no gainers. With respect to the million that had been advanced he did not desire that one farthing of it should be repaid, but he did not wish that they who refused to pay should be as well off as those who paid. Let every farthing of that million be applied to education, public works, or anything else for the exclusive benefit of Ireland. Apply it as they pleased, but let no preference, no advantage be given to those who did not pay their tithes.

Mr. *O'Connell* said, that he was by no means desirous of procuring for his Church that which it had been asserted he was, for in his opinion a connexion of the nature alluded to by the hon. Member would secularize the Establishment. The hon. Member for Southwark complained of the people of England being compelled to bear the burthen of the million loan to the Irish clergy. The noble Lord (Lord Stanley) on the other hand was ready to lavish the amount upon public works, provided he could first gratify his feelings by extorting it from the wretched people, who were unable to pay it. The noble Lord had talked largely of the mode in which he would punish them for having evaded the law, by making the tithe-defaulters pay up their arrears, in order that those who were not defaulters might not be placed in a worse situation by their obedience to the law than those who defied it. Did the noble Lord recollect his loan of 60,000*l.*? Did not one party advise the tenantry to pay the tithes, and did not another party advise them not to pay the tithes? And did the noble Lord not do at last what the Ministers were now doing? Did he not, after taking every possible step to recover his loan from the peasantry, in the form of exacting the tithes, after using every means in his power, authorising his police to break into houses at night, driving the corn and cattle off whole districts, and turning the barrack-yards into hay and corn yards—did he not, after taking all this trouble, and, God knows, after occasioning all the useless misery which attended his proceedings, give up the matter as a bad job, and did he ever realize a single shilling of his loan? Oh, yes, the noble Lord did,—he forgot—the noble Lord got back 12,000*l.* out of his 60,000*l.* but the process of getting it cost 28,000*l.* and turned the whole army into a host of auctioneers and cattle drivers. In that notable instance the very persons who advised the people to resist the tithes were the persons who profited. And were the Government, after all this experience, and after the many expedients they had tried, to set to work again to try to force the people to pay their tithes in order to repay the amount of a loan which the noble Lord professed his desire not to profit by. If he had not known the noble Lord to be in earnest he should have suspected him of an affectation of cant. Did the House desire to tranquillise Ireland, let them settle the Question of Tithes. For a series of years the successive Governments had bent their whole force to accomplish the object of making the people pay them. They had turned out their infantry, cavalry, and artillery — they had shot, stabbed, and hanged man, woman, and child in their endeavour, and with what success? The value of the present Bill consisted in that it was a totally new experiment. It abolished the very name of tithes. It altogether obviated the necessity for the clergyman to come in contact in a temporal way with the peasantry and agriculturists. It diminished the amount of the impost, and it vested the collection in the hands of the landlord in the new form of rent. He had been told that the landlords would pocket the whole of the diminution, but this was not the fact. The landlords of Ireland had as much interest in tranquillising their tenantry as England had, and he believed the resident landlords were as considerate to their tenants as in England, and they would not let the burthen rest altogether upon the cultivators. As to the million loan, he should like to know how its payment could be enforced? Should they go to war again to levy it, or would the House consent to let the experiment of the Bill have its full play in appeasing the people? The noble Lord had declared that the clergy ought not to be made repay it; but then if he insisted on its not being repaid he must alter the present law, for under that the clergy were those who were liable to the nation for its amount. If they did not alter the law, the clergyman would be compelled to enforce its payment upon the tenants in arrear, and thus a fresh scene of irritation would be created for the sake of this, he would call it, paltry million. There was no law in existence which would compel the landlord to pay the amount of arrears. The present Bill put the tithes upon him in future, but the arrears were intangible and hopeless. The tithe system had now disturbed Ireland for three quarters of a century. The Government at last came forward with a generous and soothing proposition for the final settlement of all the irritation which existed. If it failed, then they would have a right to turn round upon Ireland, and say, we have done all we could to appease and satisfy you; we have changed the very nature of the impost; we have relieved you of one-third of its amount; we have placed it in the hands of your landlord, and of him alone; and now we will enforce the law by every means at our disposal. The very point which the noble Lord now wished to enforce the right hon. and gallant Officer next him gave up during his recent Secretaryship, for he candidly acknowledged when he brought in and explained the provisions of this Tithe Bill, that it would be impossible to levy the arrears. Was it therefore, worth while, when both Governments had given the matter up as hopeless, to shackle this Bill with so useless, so irritating a *proviso*? Under these circumstances he hoped that neither the noble Lord's virtuous wish to see equal justice meted out to both parties in Ireland, nor the doctrines of the economists, would interfere to prevent the Government from passing this Bill unmutilated.

Mr. *Shaw* said, he would not enter into the religious part of the question with the hon. and learned Gentleman (Mr. O'Connell), further than to observe, that if it was the doctrine of the Roman Catholics in Ireland that any connexion with the state would degrade their religion, it was certainly peculiar to that country; and he (Mr. Shaw) could not but think that such a sentiment would not prevail long amongst Roman Catholics there if once they could subvert the Protestant Established Church. The hon. and learned Gentleman was no doubt bound in duty to advocate the remission of the million to those who had resisted the law, for it was but a bounty to those who had followed the advice of the hon. and learned Gentleman himself.

Mr. *O' Connell* rose to order. The statement of the right hon. Gentleman was untrue.

Mr. *Shaw* would put it to the House who was most out of order. He had in debate drawn an inference which the House could not think was very violent or unjust—that in passive resistance and refusal to pay tithes, the people of Ireland had followed the advice of the hon. and learned Gentleman. Now, supposing even that he (Mr. Shaw) had been in that expression, (which he believed no hon. Gentleman in the House thought he meant offensively) in some degree out of order, still he would appeal to the House whether it was to be borne that night after night the hon. and learned Gentleman circumstanced as that hon. and learned Gentleman was, should not only violate the order of that House, but the rules of all gentlemanlike society, by such offensive expressions as that which he had just employed? It was however, unworthy of further notice, and he would turn to the question immediately before the House. Upon that question of the advance of the million, he (Mr. Shaw) was peculiarly clear, for he had advised that House not to grant it—he had recommended the clergy not to take it—and he had from the first declared that if advanced it never could be recovered from the tithe payer. His reason was, that he regarded it as a premium to disobedience and resistance to the law—as shaking the foundations of all property, and as a millstone round the neck of tithe property in particular. And was repayment to be expected while at the same time you rewarded the defaulters for the past, and added a fifth to the ordinary tithe payments for five years to come. With regard to the 60,000*l.* Act referred to by the hon. and learned Gentleman (Mr. O'Connell), it was true that a large cost had been incurred, and a comparatively small sum recovered. But what was the fact?—that when all the costs had been incurred—all the necessary machinery provided—in short, all the difficulties overcome, and the people had universally commenced payment, Lord Althorp, the then leader of the Government, in an unguarded and inadvertent moment, had become personally committed to an hon. Member, of the politics of the hon. Gentleman himself, not to go on with the collection, and thence followed the fatal declaration of the noble Lord which had caused such infinite mischief in Ireland, and led to the necessity of the Million Act. It was satisfactory now to hear it admitted on all hands, that the advance had been made to the land and not to the clergy. It was, indeed, at any time absurd to contend, that when that House had sanctioned the suspension of the payment to those to whom it was legally due, and had advanced a portion of the money for the debtor to pay to the creditor, that it was the creditor and not the debtor who should repay it. While he objected to the benefit being derived by the wilful defaulter to the prejudice of the honest tithe payer, still if the question assumed the shape now given to it by the hon. Member for Southwark, simply whether the House were to remit the million or to recover it primarily from the clergy, then clearly it must be remitted as the lesser of the two evils. But he was most desirous to avoid giving the *bonus* to those who had been in arrear, and though he agreed with the noble Lord (Lord Morpeth) that they ought not either to charge the clergy or put them to collect from the occupying tenantry, yet he considered that they might very justly vary the *bonus* now about being granted to the landlord in the imposition of the rent charge according to the arrears which might be owing by any particular land, allowing the landlord to recover the same over from his tenant when the tenant was the same who had been originally liable and in default, and letting the land itself—that is, the landlord—bear the loss where the occupying tenant had changed; and this latter class would furnish all the cases where the landlord could complain; and the additional five per cent, given by the present Bill over that proposed by the Bill of his right hon. friend (Sir Henry Hardinge) would more than indemnify the landlord, supposing even all his tenants to have changed. This proportion of charge might be observed whether the million was entirely remitted or a reasonable interest for it imposed as a permanent annual payment along with rent charge. The hon. and learned Gentleman (Mr. O'Connell) said, why refuse to Ireland the boon of forgiving these arrears. It was not to the sum to be remitted that he (Mr. Shaw) felt any objection, but to the principle of not even sharing that boon with the orderly and obedient, but to their positive prejudice, conferring the entire on those who had been wilful defaulters and designedly resisted the law.

Mr. *Hume* felt the Government was in an awkward situation on the present question, for with every disposition to support them in their views, he was at a loss how to do so consistently. It ought not however, to be forgotten, that the first direct proposal for altogether sinking the million loan originated with the right hon. Gentleman opposite, the Member for Tamworth. He would also ask the hon. and learned Member for Dublin whether he would answer for the effect of the present measure in tranquillising Ireland? Let it be recollected that there were portions of four years tithes now in arrear, of which three-fifths had been paid, and two fifths were unpaid; and why, he would ask, should the persons allowed two-fifths be placed in a better position than those who had paid? It was holding out a premium of resistance and would be a ground for resisting the payment of seventy per cent. He opposed the grant, considering that it would not answer the purpose.

Sir *Robert Peel* was glad to have the means of refreshing the memory of the hon. Gentleman opposite, by referring the hon. Gentleman to a speech made in a former Parliament, when there was a prospect of repayment of the sum proposed to be granted. The hon. Member now said "enforce the law," and blamed him as having set a bad example on that former occasion. [Mr. *Hume:* You were the first to propose such a grant.] On what grounds did the hon. Gentleman then refuse to acquiesce in the grant? Why because he thought that it was impossible it could be repaid, and yet the hon. Member charged him with having set a bad example in remitting what could not be levied; whilst the hon. Gentleman said, that it was clear the money was lost to England, and that any attempt to recover it would only tend to bolster up the Church in a contest against the people. At any rate he trusted the House would not follow the Government in their mad career. That speech established the hon. Member's fame as a prophet—his abilities as a logician were known and appreciated; but here the circumstances had vindicated what he foretold, when he refused to be a party to the grant of the million; and strange to say, the right hon. and learned Member for the University of Dublin, and the hon. and learned Member for Dublin, concurred with him in his prophecy; and why should the hon. Gentleman then charge, him with the blame of the fulfilling of his predictions! The hon. Member asked also in his speech, whether it were just that the House should be driven into such a course by the imbecile folly of a Government, who proposed first one thing and then another, whilst it was clear the landlords would not repay their part. They had not paid it, at this time, and yet the hon. Gentleman turned round on him, and accused him of having set a bad example. Why, he agreed that in regard to the clergy the money should be advanced, but he must confess that he was not at all sanguine of its repayment either by the landlord or the tenant, for he considered that with respect to the Question of Tithes in Ireland, it was impossible for any Government to attempt to settle it, without including in the plan many details, open to objection when viewed abstractedly; and therefore after he had had the experience of the measures proposed and adopted by previous Governments when he was at the head of the Administration, he felt that it was impossible to recover any arrears of tithes that were due, at the point of the bayonet, and he therefore virtually proposed a remission of them. But his hon. Friend had asked, were defaulters and those who had submitted to the law, to be placed on the same footing? —and he had also said, that when the Bill was brought in, a distinction between those classes of persons should have been established. If the man who had submitted to the law could be placed in a position contradistinguished from that of the man who had broken the law, he should be most anxious to follow such a plan; for the principle was just. But its practicability must be proved before the distinction could be drawn; and even if its practicability were made out, he should be inclined to doubt the policy of acting upon it, if the result should be, as he doubted not it would be, an expenditure of double the amount recovered in the attempt to recover it. On the other hand, there remained another great difficulty in the way—the making the landlord liable to the whole amount, and thus compelling him to pay, not only what it is but just possible he might recover from the occupier who was in possession when the grant was made—but also what he could not justly recover from those whose occupancy was subsequent to that period. Between those classes there should necessarily be a distinction drawn, and that he was afraid would be a very operose proceeding; but he admitted entirely the justice of the principle, and if any one would provide a machinery by which it could be carried into effect, he should be most willing to adopt it; but, as to the remission of this grant of the million, he said, once for all, that he was inclined to doubt the policy of drawing a distinction between the different parts of the kingdom; and to this effect, when he was in office he had intended to propose, on the principle which had been suggested by Lord Althorp, that the occupier of land in England should be relieved from the burthen of paying the Church-rates, and, in lieu of it, that 250,000*l.* or 300,000*l.* should be paid from the public revenues of the country. He might be told, that Ireland would derive no benefit from such a measure, as it was not burthened with Church-rates. That was perfectly true; but he nevertheless considered that when important arrangements of this nature were to be carried, they were not to be baulked because it subjected another part of the kingdom to a portion of the price to be paid for its removal. If, then, peace were likely to be conferred on Ireland by the measure now before the House, he should not consider the remission of the million an insuperable objection to it, although England must necessarily bear her portion of the loss; but his intention was to have connected three pecuniary benefits together—namely, an advance to the Church of Scotland, an advance from the public funds to relieve England from the Church-cess; and to meet this on the part of Ireland, he should have proposed, as a *bonus*, to release that country altogether from her obligation in regard to the million. It certainly could be shown, that in taking this course the three parts of the kingdom would not receive each of them its proportionate share of benefit, but he considered them as one empire; and unless that were the principle by which the measures of the Legislature were guided, the same objection would arise in respect to every proposition of relief, and to every attempt to abate the grievances which might exist in any one part of the kingdom. Under all circumstances, then, he could not accede to the proposition to negative the Clause, for if this course were adopted the Treasury must recover the money; the law gave no indemnity to the Treasury, and as the proprietors of the land could not be applied to, the *onus* must, therefore, fall upon the clergy; the Treasury would have no other remedy, but to proceed against the clergy, and the clergy would necessarily say—we must apply to the occupying tenant; and thus the police and the military would be again put in requisition, and new distractions of the most injurious tendency must be created; he therefore could not consent to negative the Clause. A great portion of the debate had been expended upon the principle of this Bill, and the prospect of its being a final settlement of the Question it involved. His experience lessened his hopes of this every day, and his expectations that a surplus would be obtained, had been completely annihilated, for an advance of 50,000*l.* from the public revenue was required for the purposes to which a surplus was to have been appropriated; but he had been led, by the example of other Members, to allude to the principle of the Bill. As to the Question immediately before the House—if Government despaired of recovering these arrears, as the remission of them corresponded with what he had intended to propose, he should support the Clause.

The Committee divided on the Clause, Ayes 252; Noes 25: Majority 227.

Clause agreed to.

The remaining clauses were agreed to.

The House Resumed.

List of the Noes.

Aglionby, H. A.
Blackstone, E. S.
Bowring, Dr.
Benett, J.
Dillwyn, L. W.
Duncombe, T.
Fielden, J.
Gore, Ormsby
Handley, Major
Hume, Joseph
Hutt, W.
Kerry, Earl of
Long, W.
Marjoribanks, J.
Pease, J.
Philips, Mark
Potter, R.
Sheldon, E. R.
Stuart, Lord James
Thompson, Colonel
Wakley, T.
Wallace, R.
Walter, John
Williams, W.
Williams, Sir J.

TELLER.

Harvey, D. W.

HOUSE OF LORDS,

Tuesday, August 4, 1835.

Minutes.] Bills. Read a second time:—Assize Removal (Ireland); Postage.

Petitions presented. By Earl Powis and a Noble Peer, from Shrewsbury and Canterbury, against; and by Earl Burlington and Lord Brougham, from Cambridge, Doncaster, and Bath,—in favour of the Municipal Corporations' Bill.—By Earl Bathurst, from Cirencester, against Allowing Beer to be drunk on the Premises of Beer Shops.—By the Earl of Albemarle, from Doncaster, in favour of the Prisoners' Defence Bill.

Corporation Reform.] The Peers met at an early hour, and heard the evidence of various Town Clerks and others against the Corporation Bill. After the evidence had been heard,

The Marquess of *Salisbury* observed that he had two petitions to present, one from a Mr. Mackintosh, and another from the inhabitants of Romford, praying to be heard against the Bill before their Lordships; and he wished to know whether an opportunity would be afforded to him to present them to-morrow, or whether he ought to postpone presenting them till they came to the schedules.

Lord *Brougham* recommended the noble Marquess to be prepared to present them to-morrow, in case the House should not be ready to go on with the examination of the witnesses for Bristol.

Viscount *Melbourne*—I think, my Lords, that neither of the petitions alluded to by the noble Marquess ought to be complied with; and, my Lords, I protest most distinctly, for the third time, against this proceeding, both upon reason and upon principle. I do not hold myself bound to it as a precedent; I deem it, my Lords, to be most erroneous, most prejudicial, and most pernicious; and I will not be bound by it in any respect. But at the same time, my Lords, I feel I am bound to bow to a majority of this House. Mind, my Lords, I wish to be understood that I consider myself as bowing to a majority, and to that only, and not to anything that I have heard in support of this proceeding. But I protest against it, in reason and on principle. I, however, consider myself as being coerced by a superior—mark, by a superior power; therefore, my Lords, your Lordships may act as you think proper.

The Marquess of *Londonderry* said his noble Friend had received advice from the noble and learned Lord as to the course he should pursue, and immediately after the noble Viscount got up and expressed a directly contrary opinion. He thought his noble Friend was placed in a difficult situation—What course was he to follow? The noble and learned Lord's, or submit to the decision of the noble Viscount? He thought that when those two noble Lords, who seemed to have the same object in view, entertained such directly contrary opinions, their Lordships must feel placed in an extraordinary position. Whom were they to look to? By whom were they to be guided?

Lord *Brougham* said, that not a single word had fallen from his noble Friend (Lord Melbourne) in which he did not most cordially concur; and the noble Marquess had misunderstood the advice he (Lord Brougham) had given. His advice was this, that if these petitioners were ready to-morrow at a time when the witnesses from Bristol were not at the Bar, and if their Lordships should determine to hear them, they could be heard at that moment instead of coming afterwards to be heard. But he entirely agreed with his noble Friend in protesting against the right of those parties to be heard. He had strenuously resisted hearing evidence at the Bar on behalf of the Corporations, *à multo fortiori* should he resist hearing evidence from a body of Town Clerks. They were opening a door to such an extent by the precedent they were now establishing, that there was not a single Bill they could hereafter pass, on which application would not be made to hear Counsel and evidence at the Bar; and he did not see how they would be able to resist it, after so forcible a precedent as the hearing of evidence on the Municipal Corporation Bill of 1835.

Lord *Lyndhurst* said, he should pause long before he should consent to hear any evidence from persons who belonged to no corporate body. The Town Clerks must be heard as so many individual petitioners. At all events there was no question before the House, it was therefore idle to discuss it.

The Marquess of *Salisbury* said, that after the statement from the first Minister of the Crown, who, of course, must be supposed to be well acquainted with the contents of this Bill, because it was brought forward upon his responsibility, he would state a case to the House, and then ask if there ever was such an instance as a Minister of the Crown coming down to the House and saying that an individual should be deprived of property which he had purchased of the Crown itself, and that within the last seven years. The liberty of Havering-atte-Bower was purchased by a gentleman of the name of Mackintosh for upwards of 70,000*l.* Included in this purchase was the right of appointing two magistrates; he, as a tenant of the liberty, had never heard any complaint against these magistrates; but the Commissioners, nevertheless, had reported this as a Corporation which required Reform.

Lord *Lyndhurst* said, this case stood upon the same footing with all the other Corporations, and would, of course, be heard in its turn. There was, therefore, no necessity for any discussion upon it.

The Marquess of *Salisbury* had no idea of provoking a discussion on the subject. He had merely asked what course he should pursue; and the noble and learned Lord, who took a very active part in the proceedings of their Lordships' House, gave him certain advice, when up got the noble Viscount, and talked of the power with which he was oppressed, and said he would not be bound by these proceedings. Subject dropped.

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HOUSE OF COMMONS,

Tuesday, August 4, 1835.

MINUTES.] Bills. Read a first time:—Peace Preservation (Ireland); and Tea Duties.

Petitions presented. By Sir EDWARD CODRINGTON, from Creditors of the Duke of YORK, for the Payment of His Royal Highness's Debts.

SUPPLY OF WATER FOR THE METROPOLIS.] The Motion was, to agree to the Lords' Amendments to the Chelsea Water Works' Bill. Several were agreed to.

On the Clause, that the Company should incur a penalty of 10*l.* if their drains ever failed in being charged,

Sir *Samuel Whalley* complained, that the Lords had so altered the Clause which previously compelled the Company to procure their water from above Teddington, as to leave it open to them to get it from much lower down the river. The public were much dissatisfied with this alteration, and he must strongly object to it.

Mr. *Clay* said, that the Select Committee of the House of Lords had been occupied in hearing evidence on this subject from the 3rd of June to the 30th of July, and the result of the investigation was, that the Company should not take their water from below a point 350 yards above Kew-bridge. It was demonstrated by the evidence before that Committee, that that point was beyond the tide. The supply, therefore, derived from such a quarter would be free from suspicion. An enormous expense—indeed a difference to the amount of 300,000*l.* would be incurred by going above Richmond, without any commensurate advantage.

Sir *Francis Burdett* maintained, that it would be impossible to obtain pure water below Teddington. The public would be satisfied with no water taken from below Richmond-bridge. Surely, his hon. Friend would not deny that the tide ran up to Richmond. He would rather the Bill should be deferred to another Session, than be carried with this Clause so altered, as it would be tricking the public out of the point from which the Company originally proposed to take their water.

Mr. *Clay* was sure that the water would be taken from the point originally contemplated—nearly opposite Sion House. No London sewer, however large, would have its contents carried up so far by the tide.

Mr. *Warburton* believed the water in the Thames at London was better calculated for ninety-nine purposes out of a hundred for which it was wanted, than the water at Richmond. He alluded to washing and various other purposes to which water was applied, amongst which the drinking water, his hon. Friend would remember, bore a very small proportion.

Sir *Francis Burdett* must still remain of opinion, that whatever water the people did drink, however small the consumption, should be good, and they should be supplied with an ample sufficiency of it. He thought every working man should be able to get plenty of water without having to pay for it.

The Clause was agreed to.

WEIGHTS AND MEASURES.] The House then went into Committee on the Weights and Measures' Bill.

On Clause 20th,

Lord *Ebrington*, referring to the division on the former discussion, by which the stamping Clause (19th) had been omitted, said he would persist in proposing the re-introduction of that Clause on the bringing up of the Report. The present Clause, however, involved the principle of the one which had been rejected, as it contained the machinery of stamping, and notwithstanding the result of the division on the other Clause, he should persist in proposing this.

Mr. *Warburton* was adverse to stamping, as it would only lead to illusory confidence.

Mr. *Estcourt* had received communications from various parts of the country, urging him to continue his opposition to the stamping Clause.

Mr. *Houldsworth* said, it would be better at once to throw out the Bill itself than to omit the stamping Clause.

Mr. *Warburton* said, that he was not favourable to the recommendation of the Committee of 1813, that the maker's name should be stamped on weights and measures, but he would have this system rather than the Stamping-law proposed.

Sir *George Clerk*, as author of the Report of 1813, wished to say, that though at that time he was favourable to having the maker's name stamped on weights and measures, he now entertained great doubt as to the utility of this Clause.

The Committee divided on the Clause: Ayes 60; Noes 6—Majority 54.

The Clause was agreed to.

The remainder of the Clauses were agreed to, and the House resumed.

CASE OF MR. PRENTICE.] Lord *Francis Egerton* reported from the Committee on the Great Yarmouth Election, that William Prentice had twice refused to answer the question put by the Committee, from whom he received the 100*l*. or 200*l*. mentioned in the course of his evidence.

The Report was laid upon the Table.

Mr. *Hardy* presented a Petition from William Prentice, stating that he refused to answer the question from no other reason, but an apprehension that it would criminate himself. He complained that in prison he suffered much from not having an opportunity of seeing his family and friends. He prayed that the House would extend their indulgence to him by permitting him to go down in custody of the Sergeant-at-Arms, and remain with his family till Friday next. The hon. Member proceeded to show from the 44th of George 3rd, that Prentice was left perfectly free to answer or not to answer any question tending to criminate himself. The Member for Dublin said the other night, that the tendency of a question was not to be determined solely by the witness. No other person, however, could know the tendency of a question so well as a witness himself. Who else could judge of it? The hon. Member referred to the cases of Parker *v.* Lawson, and Folkes *v.* Hardacre, in the 2nd of Swanton, and 4th of Taunton, to show that the witness only was to judge whether the answer he was called upon to give would criminate himself. If it did, the House was bound to excuse him. To-day another witness had been called before the Committee, under this species of Star Chamber inquiry, who had also refused to answer questions on the same ground as that taken by Prentice. As the House could only protect a witness by passing an Act of Parliament, a person in that situation was bound to take care that he did not subject himself to prosecution and penalties.

The *Solicitor-General* denied, that the cases referred to, proved that a witness was to be sole judge of the tendency of a question to criminate himself. If the judgment of a witness were to be conclusive, it would be easy for him to trifle with a Court, and refuse to answer any question. Suppose, for instance, a witness were asked, what his name was. There were cases—such for instance, as that of a returned transport—in which the answer to the question would tend to criminate him. Now, would it not be trifling with justice that the witness here was to be left sole judge of the matter? An answer to the question put to Prentice could not by possibility criminate him. He received a sum of money (100*l*. or 200*l*.) from certain persons. He mentioned the name of one or two, and refused to mention a third. It could make no difference at all in his guilt to tell all the names. The cases mentioned by his hon. and learned Friend were not in point here.

Petition to lie on the Table.

Ladies' Gallery.] Mr Grantley Berkeley moved that the House do agree to the Report of the select Committee for providing for the admission of a certain number of Ladies to the Strangers' Gallery.

The House divided.

Ayes 83; Noes 86; Majority 3.

List of the Ayes.

Baines, E.
Baldwin, Dr.
Baring, H. B.
Barnard, E. G.
Benett, J.
Bentinck, Lord G.
Berkeley, Hon. G.
Blackburne, J. I.
Blackstone, W. S.
Blake, M.
Bodkin, J. J.
Bowring, Dr.
Brotherton, J.
Browne, Rt. Hon. D
Buckingham, J. S.
Buller, C.
Butler, Colonel
Bulwer, H. L.
Castlereagh, Viscount
Codrington, C. W.
Compton, H. C.
Coote, Sir C.
Dalbiac, Sir C.
Dick, Q.
Dottin, A. R.
Duncombe, T. S.
Eaton, R. J.
Entwisle, J.
Ewart, W.
Fancourt, Major
Ferguson, Sir R. C.
Fergusson, C.
Finn, W. F.
French, F.
Gaskell, J. Milnes
Gaskell, D.
Gladstone, T.
Goodricke, Sir F. L.
Grattan, H.
Hardy, J.
Hay, Colonel L.
Howard, P. H.
Howard, R.
Hume, J.
Hutt, W.
Jones, W.
Langton, Colonel G.
Law, Hon. C. E.
Maclean, D.
Martin, J.
Miles, W.
Musgrave, Sir R.
O'Connell, D.
O'Connell, M.
O'Connell, M,
O'Connell, M. J.
O'Brien, W.
O'Brien, W. S.
O'Conor, Don
Philips, M.
Plumptre, J. P.
Plunket, Hon. R.
Potter, R.
Poulter, J. S.
Power, P.
Price, S. G.
Pryme, G.
Ramsbottom, J.
Robinson, G. R.
Roebuck, J. A.
Scrope, C. P.
Sullivan, T.
Thompson, Colonel P.
Tynte, C. K.
Thornely, T.
Tulk, C. A.
Twiss, H.
Wakley, T.
Walker, C. A.
Wason, R.
Whitmore, T. C.
Wilbraham, Hon. R.
Wilde, T.
Wilson, H.

Case of Colonel Bradley.] Mr. *Thomas Duncombe* hoped the noble Lord would at once grant the Motion of which he had given notice. Such a course would be received with gratitude by Colonel Bradley, would be agreeable to the military profession, and would save this House the necessity of occupying its time by a painful discussion. He had prepared a list of ten military men, Members of the House before whom he was content to carry this case, and abide by their decision. [Lord Viscount Howick declined.] There was then nothing left for him but to proceed; and he would, as briefly as possible, detail to the House the oppression, that Colonel Bradley had endured. He would say nothing of the early part of Colonel Bradley's military career till, after twenty years of hard service in a tropical climate, having enjoyed the esteem and respect of his equals and superiors—he found himself in 1818, second in command to Colonel Arthur, at Honduras. Colonel Arthur belonged to the York Chasseurs, Colonel Bradley to the Second West-India Regiment. In October, 1819, the York Chasseurs were disbanded—an event anticipated by both these gentlemen, and, in various conversations that passed between them, it was frequently admitted by the former, that upon such reduction, the command at Honduras would devolve, as a matter of course, upon Colonel Bradley, May, 1820. Colonel Arthur making no arrangements for giving up the command to Colonel Bradley, although he was aware of the reduction of the regiment, which had taken place. Colonel Bradley, as in duty bound, addressed a letter to Colonel Arthur, requesting to know by what authority he retained the command, when his regiment was disbanded, and he placed upon half-pay. Colonel Arthur returned no answer, but convened a meeting of the officers, and stated to them, that he was still on full-pay, and had authorities under which he felt himself justified to retain the command; but amongst these authorities, he never once alluded to the Commission from General Fuller, produced at the trial in 1824, but rested his claim upon being upon full-pay, and having also received a Commission from General Conran, then Commanding the troops in Jamaica. An hon. and gallant Friend of his, Colonel Fremantle, many years aide-de-camp to the Duke of Wellington, during the Peninsular War was Deputy-Adjutant-General, at that time in Jamaica, and he told him, "that if ever there was a cruel and an unjust or an oppressive dismissal from the army, it was Colonel Bradley's; for so impressed was General Conran of the illegality of Colonel Arthur's continuance in command at Honduras, he (Colonel Fremantle) had special instructions from General Conran, never to address the military orders or despatches to Co Arthur, as he would not, and could not acknowledge him, but to direct them always to the officer commanding the troops at Honduras, leaving it thereby to either Colonel Arthur or Colonel Bradley to take the responsibility upon themselves of opening them or not, as they might think fit," that was the evidence of Colonel Fremantle, which he would substantiate before a Committee if the noble Lord would accede to his proposition. After the meeting of officers at Colonel Arthur's quarters, Colonel Bradley was placed under arrest, and remained 312 days. Upon a former occasion, the noble Lord stated, that that arrest was one of extreme lenity and pleasure. Colonel Bradley had prepared an affidavit, in opposition to this, in which he stated "That for the seventy-one days of close arrest, this deponent never quitted his quarters, nor did Lieutenant Colonel Arthur ever offer this deponent the slightest indulgence, and that for the remaining 241 days of enlarged arrest, lieutenant-Colonel Arthur never offered this deponent any indulgence whatever; that during the whole period of arrest, the officers had orders not to hold any communication whatever with this deponent, and he was even refused the usual supply of dinners and wine from the mess; that during the arrest, this deponent suffered from two attacks of malignant fever, one of which very near proved fatal to him; that during his arrest various brutal and barbarous acts were committed in the grounds around, and adjoining this deponent's quarters, such as hanging criminals, carrying their dead bodies in an open cart past his door, erecting a pile of tar and flour barrels, and burning thereon the bodies of two criminals, and so causing for several hours, a most disgusting scene of stench and smoke, and afterwards burying a man and driving a stake through his body, for committing suicide, and also inflicting corporal punishment on soldiers." Was that lenity? During his arrest, Colonel Bradley learned with astonishment and surprise, that he had been dismissed the service, and that the price of a Majority was lodged in the agents, Messrs. Cox and Greenwood's hands, upon which he immediately returned to England, demanded a Court-martial, and was refused. He then commenced an action against Colonel Arthur for false imprisonment, which was tried in the Court of King's Bench, in 1824; and he obtained a verdict with 100*l.* damages. Lord Brougham, with a consideration and humanity most creditable to that noble and learned individual, hearing that he was to bring Colonel Bradley's case before this House, addressed to him a letter, in which that noble Lord declared that all the bar were unanimous in saying that Colonel Bradley had been very ill treated, though he might, as a point of military discipline, have been mistaken. Such was the opinion of that noble and learned Lord; but the noble and learned Lord was not acquainted with the fact that Colonel Arthur, in 1821, swore to being on half-pay. He held that officer's affidavit in his hand. It was as follows.—

> George Arthur appeared personally before me, and made oath, that he is the person entitled to half-pay, as a reduced officer of the York Chasseurs, and that he had not during any part of this period, from the 25th of October 1819, to the 21st of February, 1821, both days inclusive, any other place or employment of profit, civil or military, under his Brittanic Majesty, or in the service of any other government, besides his half-pay, except superintendent and commandant of militia.
>
> (signed) GEORGE ARTH
>
> Sworn before me at Honduras,
> this 21st of February, 1831.
>
> (signed) JAMES HYDE, Magistrate for Belize.

If that affidavit, which has only recently come into Colonel Bradley's possession, together with Colonel Fremantle's evidence, had been before the Court, a different verdict would have been returned, and Colonel Bradley would have been restored to that rank of which he ought never to have been deprived. Why was Colonel Arthur defended at the public expense, while Colonel Bradley was 800*l.* out of pocket by the trial? Taking into consideration the fact, that an officer upon half-pay, which Colonel Arthur was when he placed Colonel Bradley under arrest, could not enforce or execute military law upon an officer on full pay, this was a fit case for investigation. It might be said, that he was invading the prerogative of the Crown. It was undoubtedly the prerogative of e King to dismiss any officer, whenever he should think fit; but it was equally the prerogative of the House —it was the duty of the House— to see that the prerogative of the Crown was not abused, and that a meritorious officer, after twenty years' hard service was not dismissed upon an *ex parte* statement, without any trial, whereby all his remaining days were embittered. The noble Lord would certainly not oppose the motion, and if the noble Lord did, he would not be supported by any Reformer. He concluded by moving "That a Select Committee be appointed to inquire into Colonel Arthur's treatment of Colonel Bradley in Honduras; and also into all the circumstances that led to his dismissal from the army without a court-martial, and to report their opinion thereon.

Viscount *Howick* in rising to oppose the Motion of the hon. Member for Finsbury, said, he should be very happy to do what was consistent with his duty in affording relief in any case of real hardship. It was always a painful thing to see, that an officer who had distinguished himself in the service of his country should, in consequence of an indiscretion arising from some fault of temper, be degraded and expelled from the army. But it was so essential that the discipline of the army should be maintained—that on subjects of this kind there should not be the least possibility of receiving the decision of a Court-martial come to on proper grounds by the regular authorities—that he trusted the House would support him in resisting this inquiry,—an inquiry, from which he, for one, could anticipate no good effect whatever. The hon. Member had spoken a great deal about the legality of Colonel Arthur's Commission; that had been decided upon authority so much higher than his own, that he (Lord Howick) did not mean to enter on it. The Commission under which Colonel Arthur acted was produced in Court, and sworn to by two officers most distinguished in character and experience, both having filled the office of Adjutant-General, (Sir Herbert Taylor and Sir Henry Torrens,) and who gave it as their opinion that the Commission was sufficient to authorise Colonel Arthur in retaining the Command, it having been dated several years before this transaction. But more than that, Colonel Bradley was dissatisfied with the amount of damages he received on the trial which took place for false imprisonment—and which clearly proved that the Court did acknowledge the legality of the Commission because the damages were given not for Colonel Bradley's confinement before his removal from the army, but in consequence of his having been continued under arrest subsequently to his removal from the army when Colonel Arthur's military authority was, of course at an end. It was impossible to believe that the Court would have given such small damages (viz. 100*l.*) on any other supposition than this view of the case; he was supported by the course taken on the part of Colonel Bradley himself, who, feeling that if the case were as he represented it, the damages were too small, applied for a new trial, in order, on the ground of the invalidity of the Commission, which was refsued. He had the authority therefore, of the Court of King's Bench as well as that of the two distinguished officers he had just named in support of the view which he took. But the case did not rest here, for he contended, had Colonel Bradley's case been as correct and just a one as he represented it, that the Duke of York exercised a sound discretion in depriving him of his command. The grounds on which he formed that opinion were these. Had Colonel Bradley felt himself aggrieved, the proper course would have been to make a formal application to the authorities at Jamaica or at home; but what he did was this, he endeavoured by actual appeal to inferior officers to deprive Colonel Arthur of his command, which he (Lord Howick) could prove by extracts from the evidence on the Court-Martial which he held in his hand. He was of opinion that if the House reflected on the consequences of transactions like these, they would agree with him in thinking that it was the duty of all who were interested in the command of the army to mark in the strongest way their sense of such conduct. For what could be more dangerous than, when two officers disputed which of them should hold military command at a station so far distant from the mother country that one of them should attempt the settlement of the question, not by appeal to the superior authorities at home or abroad, but, by appeal to inferior officers. Why, let the House suppose, if one part of the garrison had taken up the cause of one officer and the other part had sided with his opponent the whole colony would have been in confusion, and perhaps civil war would have ensued in consequence of this dispute between two officers! It was therefore on those grounds that he contended it was the duty of Colonel Arthur to arrest Colonel Bradley, and of his Royal Highness the Duke of York to remove Colonel

Bradley from the army, even had cause been ever so just. Indeed the only reason for not bringing Colonel Bradley to a Court-martial was, the consideration that such a proceeding would deprive him of the proceeds from the sale of his Commission; and, in recollection of his preivous good character and long services in the army deterred the authorities from taking such a severe step. As to the opinion of the Council on the trial, that was the very last species of opinion on which he should place any confidence in any case; much less in a military cause like this. With respect to the assertion of the hon. Member, that Colonel Bradley had received a promise from Colonel Arthur, that when the regiment was disbanded he, (Colonel Bradley) should have a command, that was the first time he (Lord Howick) ever heard it, officially at least, referred to, and considering that circumstance, of its being brought forward at a time when Colonel Arthur being in Van Dieman's Land could not contradict it; and also the fact of its not having been at all mentioned in the large correspondence that took place on the subject, during two different Secretaryships-at-War who had agreed with him (Lord Howick) he was not disposed to place much credit on the assertion of such a fact now. On the whole, then, the opinion which he now expressed was not one which he had recently formed. The first time he had the honour of a seat in that House he had expressed that opinion when in opposition, and after hearing the statement of, the hon. Member for Middlesex himself, without hearing the other side of the case; and that opinion continued unaltered at the present moment. It was to be remembered also that Colonel Bradley was not displaced on the representation of Major Arthur, but by the Duke of York himself on the advice of the officers alluded to, who gave it as their opinion that he ought no longer to remain in the army. Under those circumstances, he (Lord Howick) hoped the House would not set so very dangerous a precedent as that of granting a Committee of that House, a precedent which, if set, would in his opinion, go far to shake the very foundations of justice in the army.

Mr. *Hume* was glad to hear the candid statement of the noble Lord who had just spoken, who admitted that there was some degree of doubt in the case; and he, on the other hand, admitted that, if Colonel Bradley was to blame at all, he had taken the course in which he certainly was blameable: viz.—the being too forward to assert the authority committed by his Majesty into his hands. The case was this: Colonel Bradley alleged that, in virtue of the army resolutions, and as a matter of course, Major Arthur going from full to half-pay, was no longer capable of commanding an officer on full pay—that was the only point of Colonel Bradley's case. The subject was not new, it had been twelve times before the House, and if the noble Lord appealed to the House for justice, certainly, if it could be proved that an individual after years of faithful and arduous service, had been removed from the army and ruined, his friends had an equal right to appeal to the House for its attention to their claim of justice, notwithstanding the opinion of the noble Lord. It was to be remembered, that Colonel Bradley several times asked Major Arthur to declare whether he was on full pay, and Major Arthur always refused to answer him. Now, he asked any gentleman what would have been his feelings under such circumstances? Colonel Bradley wrote a letter to Major Arthur, telling him that under such circumstances he (Colonel Bradley) was invested with the proper authority over the regiment, and considered himself justified in holding the command. For that assumption of power, which Colonel Bradley believed was correct, he had been prosecuted and dismissed the army. Now, if there were any doubt in the case, he (Mr. Hume) put it to the House, whether it were not a fit subject for inquiry? and whether the conduct of individuals on the spot, and under particular circumstances, ought not to be looked into? He thought the Committee would bring out the facts of the case, and would prove, as he considered, that Colonel Bradley was an ill-used man. It was not the only instance in which the gentlemen at the Horse-Guards had maintained what they considered the discipline of the army at the expense of humanity and justice. The hardship inflicted on an individual before the House was, he thought, good ground for granting an inquiry.

Mr. *Cutlar Fergusson* opposed the Motion, and said, that a decision in support of Major Arthur had been repeatedly made by different parties. The sentence of the Court-martial had been confirmed by the Commander-in-Chief, by his Majesty, and by the House of Commons, on the several occasions, amounting to eight or ten, when a motion similar to this was brought forward and rejected. He did not think that Colonel Bradley had made out to the House a sufficient case to justify them in inquiring into it, and to review and reverse the decision that had been already come to with regard to the conduct of that officer. The Motion interfered with the prerogative of the Crown. He was, therefore, surprised that the hon. Member for Finsbury, who admitted that he did not approve of Colonel Bradley's conduct, should have brought the case forward. If the Motion were agreed to, there would be an end of the discipline of the army and the authority of the Crown. The right hon. Gentleman concluded by expressing a hope, that the House would not consent to send the matter before a Committee of Inquiry.

Sir *Charles Dalbiac* considered, that it would be an act attendant with extreme danger and injustice if the House sanctioned the precedent the hon. Member for Finsbury wished to establish.

Sir *Robert Peel* said, that he should vote against the Motion of the hon. Member for Finsbury on three grounds:—First, on the ground (and that embraced, perhaps, all the merits of the case) that the conduct of Colonel Bradley was subversive of all military discipline. Secondly, on the ground that the case had been already decided by the competent authorities, against whom no suspicion could be raised, and who came to an unanimous decision on the subject. And, thirdly, on the ground that that House had already decided the case, according to the testimony of an hon. Member opposite, twelve times. There never would be an end to cases of this sort, if repeated decisions come to by that House were not finally agreed to. Every applicant would be encouraged to make the same repeated appeals, and the time of the House would be fruitlessly taken up. He begged to assure the hon. Member for Finsbury, that those were the grounds on which he opposed the Motion, and that his opposition was not influenced by any desire to screen the conduct of the Horse-Guards in this matter.

Mr. *Pryme* was in favour of the Motion for two reasons:—First, Major Arthur ought to have shown to Colonel Bradley the Commission which authorised him to take the chief command; and, secondly, because the decision against Colonel Bradley was a private one of the Commander-in-Chief, which it was competent in the House to reverse. Persons should not be dismissed the army without a full, complete, and public inquiry, and it was not subversive of military discipline, if the House took upon itself to inquire into the private decision of the Commander-in-Chief.

Viscount *Howick* begged to observe, that the hon. Member was not correct as to one point. Major Arthur offered to show the Commission by virtue of which he took upon himself the chief command, to Colonel Bradley if the latter would wait upon him at the Government House.

Mr. *Thomas Duncombe* in reply, said, that the Commission made use of by Major Arthur was considered to be a forgery; but, even if it had been real, that it could not have entitled Major Arthur to take the command.

The House divided on the Motion: Ayes 36; Noes 104—Majority 68.

List of the AYES.

Aglionby, H. A.
Barnard, E. G.
Barry, G. S.
Bish, T.
Blake, J. M.
Bridgman, H.
Brotherton, J.
Butler, Colonel
Crawford, S.
Ewart, W.
Fancourt, Major
Fielden, John
Finn, W. F.
Grote, G.
Hawkins, J. H.
Hume, J.
Nagle, Sir R.
O'Connor, Don
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
Palmer, General
Pelham, Cresset
Potter, R.
Roebuck, J. A.
Sheil, R. L.
Sullivan, R.
Tancred, H. W.
Thompson, Colonel
Townely, M. G.
Wakley, T.
Walker, C. A.
Wallace, R.
Williams, W.

TELLERS:

Duncombe, T.
Pryme, G.

ORANGE LODGES.] Mr. *Hume* rose to call the attention of the House, to the evidence taken before the Select Committee appointed to inquire respecting Orange Lodges, as regards their establishment in the army, and to submit resolutions thereon to the House for consideration and adoption. He confessed, that he felt great anxiety as to the result of his Motion, being fully sensible of the great importance of the subject. Ireland had long been distracted by different kinds of clubs and societies, the effect of which was to rouse the people, and almost to unhinge the frame of society. If they looked back for the last fifty years, they would find that, under different names, there had been innumerable societies, having different objects in view, but all tending to the same thing—the utter disorganization and destruction of social order. He found, among others, that there were Levellers, Ribbonmen, United Irishmen, Whitefeet, Blackfeet, Orangemen, and many others. The existence of one of these societies, in fact, led to the existence of others to counteract it. He had looked, therefore, with great interest to the period when, by a new system of Government, they had begun to give peace to Ireland—when they had done away with the penal laws under which the country had so long groaned, in the hope that the change would bring a diminution in the number of those societies. He regretted that he had been disappointed. It was necessary that he should explain to the House, why he had thought it right that a Committee should be appointed to inquire into this subject. Not being a Member of the Committee which sat on the subject of Orange Lodges, his attention had been first drawn to the subject by the Irish newspapers, which published a portion of the evidence taken before that Committee. It was stated, in that evidence, that from thirty to forty regiments of the line had Orange Lodges, on the authority of warrants from the Grand Lodge. The statement appeared to him so extraordinary, that he could not at first believe it, till he had inquired of a Member of the Committee, and found it to be quite correct. It appeared by the evidence, that lodges were formed in many regiments, and it was doubtful to what extent they existed. Even recently, had they not seen the reckless conduct of those Orange Societies, and how the unfortunate affair at Belfast occurred, which had originated with the Orangemen. ["*No, no!*"] He only stated what he had read in the newspapers. He had received a letter in which it was stated, that Orange Lodges were spreading to a great extent in England as well as in Ireland. He was induced to think that the Government was not aware of the extent to which those associations extended. He thought it impossible that the Commander-in-Chief could have noticed such dangerous combinations, without having taken steps for putting a stop to them. He had endeavoured to ascertain how far such associations were inconsistent with civil and military law, and for that purpose he had called for a return, from which he found that any officer, being a member of a lodge, was liable to dismissal; so that it was evident that they were forbidden by the military laws. But, it was unnecessary for him to show that those associations were in their nature illegal. He would admit that they might not be dangerous in quiet times, but in disturbed times, and among armed bodies, who might be made the tools of designing persons, he considered them peculiarly dangerous; besides which, the military order to which he had alluded showed them to be against military law. Then, as to their illegality under the common and statute law, he found that by the 9th Clause of the 39th of George 3rd, every society having branches or corresponding societies, or having branch committees was illegal; and every member of such society was liable to certain penalties. Thus it appeared, that the unfortunate Dorchester labourers were not one-tenth so guilty as some gentlemen of high pretensions whom he could name—and some of whom were, perhaps, nearly allied to the Crown. Yet these great delinquents escaped, while the unfortunate Dorchester labourers languished in exile. Was not this drawing a distinction between the rich and influential and the poor and ignorant? Why should not a prince of the blood, or a peer of the realm, have the same measure of justice meted out to him as the ignorant, who had not the opportunity of being acquainted with the laws. In 1831, a proclamation was issued by his Majesty's Government, cautioning persons against joining in illegal associations. This was intended to put down the Trades' Unions. When this proclamation was issued, the hon. Member for Stafford and the hon. Member for Warwick, severally rose in their places, and asked the noble Lord, then Chancellor of the Exchequer, whether it was not the intention of the Government to put down those Trades' Unions? In his opinion, as he had stated it at the time, the Government had no right to put down those societies, as they were not illegal—they had no oaths of secrecy, or signs and passes to render them so, and, therefore, it was probable that the proclamation was issued rather as a warning to the too zealous members of those bodies not to be guilty of a breach of the law, than for any other purpose. When he recollected the opinions then enforced on the opposite side of the House, he could not help expressing an earnest hope, that he should have the assistance of those hon. Gentlemen who had spoken so strongly against Trades' Unions, in his endeavours to put down the Orange Associations, the constitution of which, he had no hesitation in saying, was contrary to law. In order to put the House in possession of the subject, he had delayed for some time bringing it forward, that the evidence taken before the Committee might be printed and in the hands of Members. The part of the evidence on which he should chiefly rely, were the Records of the Orange Lodges, printed in the appendix of the Report, and the evidence of the Members of the Grand Lodge of Orangemen. He intended, on the present occasion, to confine himself as much as possible to that portion of the evidence having reference to the establishment of Orange Lodges in the army; and, therefore, he should refer particularly to the evidence of Mr. Swan, Deputy Grand Secretary, and Mr. Blacker, Assistant Grand Secretary to the Grand Lodge of Orangemen. It appeared, from the evidence of these gentlemen, that there were 1,500 Orange Lodges in Ireland, and in some parishes there were as many as three or four Lodges. In some regiments, also, there were as many Lodges. He need hardly say, that the existence of such lodges in regiments must be prejudicial to the service, and the object of the resolutions he intended to propose was, to declare that such was the case. The first resolution he intended to move, was—

> "That it appears, from the evidence laid before this House, that there exists at present in Ireland more than 1,500 Orange Lodges, some parishes containing as many as three or four Private Lodges, consisting of members varying in number from 16 to 260, acting in communication and correspondence with each other, and having secret signs and pass-words as bonds of union, and all depending on the Grand Lodge of Ireland."

Mr. Swan stated that there were 1,590 Orange Lodges, and Mr. Blacker said that there were about 1,600. The latter gentleman said that the number of warrants at present on the books was 1,843, but that many of the lodges were now dormant, so that the present number was about 1600. The greatest number of lodges in any county was 229. In the county of Down there were 200 lodges; in Antrim, 229; in Armagh, 212; and also upwards of 200 in Tyrone; and about the same number in Fermanagh; and in Londonderry there were 150. In Tipperary there were only two lodges, and in Westmeath there were only two. In some of the southern counties there were no Orange Lodges, and in others only a few. The population of Armagh was 300,000, and in the 212 lodges in it there were near 21,000 Orangemen. No one was admitted as an Orangeman under the age of eighteen, and therefore they were generally in robust health, and they were all armed one way or other. All of them might be called into active service at the will of the deputy grand master. On several occasions they had been mustered and reviewed, and every one of them was bound to obey the summons of the deputy grand master. A great portion of the nobility and gentry of the north of Ireland were members of these societies. Members of trades' associations, who were comparatively innocent, had been severely punished for offences against laws, of the existence of which they were ignorant. Such a plea, however, did not avail them when they appeared at the Bar. The gentry and magistrates, however, who entered Orange Lodges, could not make such an excuse, for they must be aware that they offended against the laws of their country. The lower members of the Orange Lodges, knowing that they had the magistracy to back them, were encouraged to the commission of the most serious offences. The members of these lodges were an exclusive class, as no Catholic was admitted. There could be little doubt but that these societies drew a line of distinction between the great body of the people of the country and the magistracy, to whom they ought to look up for protection, which led to the commission of outrages whenever the two parties were brought in contact. This, therefore, was a question which concerned the public peace, and which it behoved the House to take up without delay. He had no hesitation in saying that the manner in which the Orangemen were bound together made their societies illegal; and he was sure that most of the members of them were fully aware of it. The members were not admitted without a religious sanction. The next Resolution he had to propose stated this: it was

"That the Orange institution of Ireland is unlimited in numbers, and exclusively a Protestant association; that every member must belong to a private lodge, to which he is admitted under a religious sanction, and with a religious ceremony, carrying a bible in his hands, submitting to certain forms and declarations, and taught secret signs and passwords."

The religious ceremony was described in the evidence of the Rev. Mr. O'Sullivan, page 48, question 773. It was as follows:—

"The applicant shall be introduced between two sponsors, namely, the brethren who proposed and seconded his admission, carrying the Bible in his hands with the book of rules and regulations laid thereon. Two brethren shall precede him. On his entering the room, a chaplain, if present, or in his absence, a brother appointed by the master, shall read the whole or part of what follows:—'O Lord God of our fathers! art thou not God of Heaven, and rulest not thou over all the kingdoms of the heathen, and in thy hand is there not power and might, so that none are able to withstand thee? Who is like unto thee the Lord among the Gods? Who is like thee, glorious in holiness, fearful in praises, doing wonders? Thou in thy mercy hast led forth thy people which thou hast redeemed. Thou hast guided them in thy strength into thy holy habitation. Lord, thou wilt ordain peace for us, for thou hast wrought all our works in us. O Lord our God, other lords have had dominion over us, but by thee only will we make mention of thy name; wherefore, glorify ye the Lord in the fires, even the name of the Lord God of Israel in the isles of the sea.' During the reading of this the candidate shall stand at the foot of the table, the brethren all standing also in their places, and strictly silent. The Master shall then say, 'Friend, what dost thou desire in this meeting of true Orangemen?' and the candidate shall answer, 'Of my own free will and accord I desire admission into your loyal institution.' Master; 'Who will vouch for this friend that he is a true Protestant and loyal subject? (The sponsors shall bow to the Master, and signify the same, each mentioning his own name). Master; 'What do you carry in your hand?' Candidate; 'The Word of God.' Master; 'Under the assurance of these worthy brothers, we will trust that you also carry it in your heart. What is the other book?' Candidate; 'The book of your rules and regulations.' Master; 'Under the like assurance, we will further trust that you will study them well, and that you will obey them in all lawful matters. Therefore we gladly receive you into this order. Orangemen, bring to me your friend.' The candidate shall then be brought by his sponsors before the Master, the two brothers standing at each side of the centre of the table; during this the Chaplain or brother appointed shall say, 'Many shall be purified and made whole and tried, but the wicked shall do wickedly, and none of the wicked shall understand, but the wise shall understand. Blessed is he that waiteth and cometh to the thousand three hundred and thirty days; but go thou thy ways until the end be, for thou shalt rest and stand in thy lot at the end of the days.' The candidate shall then kneel on his right knee, and the Master shall invest him with the decoration of the order, and Orange sash. Then the Chaplain or brother appointed shall say, 'When thus it shall be in the midst of the land, among the people thou shalt be as the shaking of an olive tree, and as the gleaning grapes when the vintage is done. They shall lift up their voice, they shall sing for the majesty of the Lord; they shall cry aloud from the sea. When the mountain of the House of the Lord shall be established on the top of the mountains, and it shall be exalted above the hills, and the people shall flow into it; and this shall be for a token upon thine hand, and for a frontlet between thine eyes; for by strength of hand the Lord brought us forth out of Egypt. Thou shalt therefore keep this ordinance in his season from year to year.' Then the Master shall say, 'We receive thee, dear brother, into the religious and loyal institution of Orangemen, trusting that thou wilt abide a devoted servant of God, and true believer in his Son Jesus Christ, a faithful subject of our King, and supporter of our Constitution. Keep thou firm in the Protestant Church, holding steadily her pure doctrines, and observing her ordinances. Make thyself the friend of all pious and peaceable men, avoiding strife and seeking benevolence; slow to take offence and offering none, thereby, so far as in thee lieth, turning the injustice of our adversaries into their own reproof and confusion. In the name of the brotherhood, I bid thee welcome, and pray that thou mayest long continue among them a worthy Orangeman, namely fearing God, honouring the King, and maintaining the law.' Then the Master shall communicate, or cause to be communicated, unto the new member the signs and pass-words of the brotherhood, and the Chaplain or brother appointed shall say, 'Glory to God in the highest, and on earth peace, good-will towards men.' After which the brother shall make obeisance to the Master, and all present shall take their seats, the certificate of the new brother being first duly signed and registered.

Was not this a profanation of the Scriptures? What were the details of these Orange Lodges? They might truly be said to be written in blood. They arrogated to themselves the assumption that they exclusively were Protestants, and they censured and condemned all who did not follow the course they marked out. A great portion of the police in Ireland were Orangemen, and it was impossible that they could discharge their duty with impartiality, or that they would forget the ties that bound them in this brotherhood. It was not possible that the people should rest satisfied as long as this state of things continued. He would ask the noble Lord whether he would refuse to support the Resolutions, and continue to keep in New South Wales men who had not been guilty of one-tenth or one-hundredth part of the criminal acts committed by these Orangemen. Books were kept in every lodge containing records of its proceedings, and copies of these books were sent up to the Grand Lodge. The manner, also, in which orders were communicated to these Lodges was not always by letters, but oral communications were made, which it was alleged in the evidence were considered either unsafe or improper to be sent in writing. This latter circumstance ought to excite a great degree of suspicion, and should awaken the attention of the Government to the subject. He did not intend to go beyond the year 1825 in the proceedings of the Orange Lodges, when they framed new rules and regulations, and when they got rid of the oath they had previously used. The general rules of this Orange Association to which he requested the attention of the House were as follows:—

"1. The Orange Institution consists of an unlimited number of brethren, whose admission is not regulated by any other test than those of their religious character and principles.

"2. No person who at any time has been a Roman Catholic can be admitted into the Institution, except by special application to the Grand Lodge, or Grand Committee, accompanied by certificates and testimonials, transmitted through the Grand Secretary of his county, which shall be so perfectly satisfactory as to produce a unanimous vote on the occasion.

"3. Any member of the Orange Institution who shall print or circulate anything connected with the Institution affecting its character, or the character of any of its members, without the sanction of the Grand Lodge or of the Grand Committee, shall be expelled by the Grand Lodge.

"4. That every member of the Orange Institution shall belong to a private Lodge, and that no person shall be proposed as a member of a committee unless the Lodge to which he belongs is mentioned."

Was not this sufficient evidence that they were an exclusive association, and illegal in every sense of the word. He had on former occasions expressed his dislike of Orange Lodges; but he was not aware of the extent of their mischievousness until he had read the evidence taken before the Committee. The next Resolution which he had to propose was:—

"That no Lodge can be constituted without a warrant of the Grand Lodge of Ireland, signed by the Grand Master and Office-bearers for the time being, and having the seal of the Grand Lodge thereto affixed.

COPY OF WARRANT OF THE "ORANGE INSTITUTION."

Day of ——18—— (Statute of Will. III.) County of — *District of—

"By virtue of this Authority,

Our well-beloved Brother ORANGE-MAN of the Purple Order (and each of his Successors) is permitted to hold a LODGE, No. , in the County and District above specified, to consist of TRUE ORANGE-MEN, and to act as MASTER and perform the requisites thereof.

(County Seal.) Given under our Great Seal. (Great Seal.)
(Copy.) ERNEST, Grand Master.
(Copy.) ENNISKILLEN, D. Gr. Mr.
(Copy.) HENRY MAXWELL, Gr. Sec.
(Copy.) WM. SWAN, D. Gr. Sec.
(Copy.) ALEX. PERCEVAL, Gr. Tr.
(Copy.) HUGH R. BAKER, D. G. T.

Countersigned by
————————
County Grand Master

I am authorized to state, on the part of the Grand Orange Lodge of Ireland, that a marching warrant only differs from this,* in the district being filled up thus, "District of —— Regiment."

HENRY MAXWELL, Grand Sec.

Here were the names of two Members of the House who were office-bearers of this association, namely, H. Maxwell and A. Perceval. The rules for private Lodges were worthy of notice, and were as follows:—

"No private Lodge shall be held without the authority of a warrant from the Grand Lodge, signed by the Grand Master, a Deputy-Grand Master, the Grand Secretary, Deputy-Grand Secretary, Grand Treasurer, and Deputy Grand Treasurer, and countersigned by the Grand Master or Deputy-Grand Master of the county, and sealed with the seals of the Grand Lodge of Ireland, and of the Grand Lodge of the county in which such Lodge shall be held.

"All applications for warrants shall be made through the district Lodges to the county Grand Lodge, to be thence forwarded to the Grand Lodge of Ireland, under their respective seals, transmitting therewith the sum of 1*l.* 1*s.* with renewals, the sum of 5*s.*"

But the rules for military Lodges were of still greater importance. Indeed the establishment of Orange Lodges in the army was a great misfortune, full of danger, which ought to excite the immediate attention of Parliament. A regimental Lodge was considered to be a district Lodge, and sometimes there were two or three of them in one regiment. In 1814 the Grand Lodge directed that all Lodges in regiments should be district Lodges. It was said that this rule had been since altered. Now, he could show by the evidence of Mr. Blacker, that in 1824 no change in the rule was made; for that gentleman read out of book, bearing that date, the following rule:—"That regiments are to be considered as districts, and that masters of regimental Lodges shall make yearly returns of the numbers." This was after the Duke of York had issued his order of July, 1822, against the establishment of Orange Lodges in the army. Was not this a violation of the law, and at the same time setting at defiance the rules of military discipline? No man belonging to one of these Lodges could be ignorant of what he was doing, or that he was violating the law. He found, by reference to this volume of evidence, that the following Resolution of the Committee of the Grand Lodge was agreed to:—

Moved by Rev. C. Boyton, seconded by Francis Kierman.

April 22, 1830.

"That this Committee recommended to the Grand Orange Lodge, at its meeting on the 5th of May, to establish a law that all warrants in future be signed alone by the Grand Master, his Royal Highness the Duke of Cumberland, by the senior D. G. M. of Ireland, the Grand Secretary of Ireland, and countersigned by the county Grand Master.

"W. Brownrigg, chairman. T. Nixon, A.G.I."

They were also told that blank warrants were signed by the Duke of Cumberland. If any man was placed at the bar for an offence, and said that he was ignorant that it was against the law, the reply would be that he ought to have known the law. It was also the duty of the Duke of Cumberland to make himself acquainted with the state of the law as regarded these associations. It was no excuse for a man who sent a firebrand through the country that he did not know the uses to which it might be applied. Other circumstances tended to show that the illustrious person he had alluded to was not so ignorant of the law as was represented. The grand Orange Lodge had been established in England, and he had been informed that the members were sworn in; his informant told him that he was taken from the dinner table and blindfolded, and led into a room, with a number of idle ceremonies, and sworn in an Orangeman. Subscriptions were entered into by the Orangemen of London to send missionaries to re-organise their institutions throughout the country. The Duke of Cumberland was at the head of this Lodge, and several noblemen were members of it; and he found that so late as last May there had been a meeting of the Society, at which Lord Kenyon presided. The Resolutions agreed to at this meeting had been brought to him by a man who was present. After this it was perfectly futile to say that the Duke of Cumberland was not aware of the nature of the society. Such was the persecution carried on by these bodies, that a man had told him that he could not act for him as he wished, because he was an Orangeman. The fourth Resolution to which he would next call the attention of the House was to this effect:—

"That it appears by the laws and ordinances of the Orange Institutions in Ireland, dated 1835, that the Secretary of each private Lodge is directed to report to the Secretary of the district Lodge; the Secretary of each district Lodge to report to the Grand Secretary of the county Lodge; the Grand Secretary of the county Lodge to report to the Deputy Grand Secretary of the Grand Lodge in Dublin; and the Grand Lodge to hold meetings at stated periods, to transact the ordinary business of the Society; and the Deputy Grand Secretary of the grand Lodge to communicate half-yearly to each lodge in Ireland, and also to the Grand Lodge of Great Britain."

It appeared that the 1,600 local lodges met at stated periods twice a year; the proceedings of each were reported to the respective district lodges, reports from each of which were sent up to the Grand Lodge. The Grand Lodge met at certain periods, and on adjournment appointed a Grand Committee, which met every Wednesday for the transaction of business. Was not this sufficient evidence of the complete organization of this society, and that there was an immediate connection between the extremities and the centre; and that the most ready communication could be made from the one to the other?

He could refer the House to several parts of Mr. Swan's evidence in confirmation of this, and particularly to questions 1,304 and 1,509. He could also refer to other documents to show the organization of these societies, and the effect it was likely to have on the peace of Ireland. An advertisement had appeared in one of the Dublin papers respecting the proceedings of the Orangemen of the county of Tyrone, in 1834. It requested that every private lodge would choose a delegate to send to this meeting, to petition against the Government. He brought forward the present Motion in confidence of obtaining the support of the Government. If the Whig Government had done their duty four years ago, they would have put down these societies. They appeared afraid, however, of interfering with them, instead of putting their feet upon them, and trampling them to the ground. These Orangemen were countenanced by so many Members of both Houses of Parliament, and persons in authority, that they imagined that they could break the law with impunity. Deputies from each of the district lodges formed the Grand Lodge. This lodge contained 600 Noblemen and Gentlemen. Mr. Blacker, in his evidence, stated that missionaries were sent by this lodge to Manchester, Liverpool, Bristol, Glasgow, and other places, for the purpose of organizing Orange societies. One of the rules of the private Lodges was as follows:—

> "In order to establish a fund to defray the expenses of the Grand Lodge of Ireland, each lodge shall transmit a subscription of not less than 2s. 6d. annually to the county treasurer, to be by him forwarded at the same time, with the return of the county grand officers in April to the deputy grand treasurer of Ireland."

Mr. Blacker stated, that there was a considerable deficiency in the funds of the chief lodge, as the subscriptions were not paid up. He thought that he had proved this Resolution to the satisfaction of all. The next he had to propose was,

> "That Orange Lodges have individually and collectively addressed his Majesty, both Houses of Parliament, the Lord-lieutenant, and others, on special occasions of a political nature, such as on the subject of the colonies, the change of Ministry, the education of the people, the Repeal of the Union, Catholic Emancipation, and Reform of Parliament."

He would leave out of the Resolution the observation about the colonies, as he did not think that it was necessary then to introduce the subject, and he had been told, that his conclusion on the subject was erroneous. The evidence in support of this Resolution afforded an answer to the observations that had been made at the early part of the Session as to his Majesty having given gracious answers to the addresses of Orange lodges, when no answer had been given to addresses coming from the most respectable classes. He found that an active Orange Magistrate had had his name struck out of the Commission of the peace, and he trusted that Lord Melbourne's Government would not only strike out the name of any Magistrate from the Commission of the peace who belonged to this society, but that they would also order them to be tried. To expect anything like justice from such Magistrates was utterly inconsistent with all his ideas of good Government. He found the following order in Mr. Blacker's evidence:—

> "That circulars be forwarded to the several masters of the Orange Lodges in Ireland, requesting them to procure petitions from their several lodges to both Houses of Parliament, against the new Irish Education system, also against the Irish Reform Bill, and to forward them without delay to the right hon. the Earl of Roden, House of Lords, London, endorsed, 'Parliamentary Petition."

Was it surprising when such occurrences took place, that they saw the right hon. Member for Dublin University (Mr. Shaw) come down to the House with a multitude of petitions against Irish education, when all these 1,600lodges were directed to send up their petitions. It was well for the right hon. Gentleman to say, that the people of Ireland were opposed to these measures of the Government, but they proved how the opposition was got up. Again, on the 28th Nov. 1828, with a view to oppose the Catholics, the following Resolution was adopted:

> "Resolved, that we deem it essential, for the preservation of our Protestant Constitution, that we should co-operate with the Committee of the Brunswick Club in procuring and obtaining signatures to petitions to be presented to his Majesty and both Houses of Parliament, against further concessions to persons professing the Popish or Roman Catholic religion."

Was it possible that the Government could be carried on with societies of this kind thwarting it whenever it proposed measures of useful conciliation. The sixth Resolution he intended to propose was,

"That the Grand Lodge of Ireland has interfered in political questions, and expelled Members for the exercise of their constitutional and social rights; has interfered at elections, and defended criminal prosecutions, as appears from the evidence and from the minutes of proceedings in the book of the Grand Lodge produced before the Select Committee."

In support of this Resolution, he would quote the following passage from the evidence :—

"Q. 1935. That Mr. Archibald Fisher was expelled the society for canvassing and being an active partisan, and heading processions of bodies of men whose principles may be judged, from their shouting O'Connell and the Repeal of the Union."

"Q. 1937. That John Hitton was removed from the Committee of the Grand Lodge, for not having voted at the late city election, that being on the 9th of June, 1831."

He hoped the noble Lord would be satisfied now of the interference of the Orange society with the freedom of election. Seeing the engines at work it was surprising that there was not more opposition in Ireland to liberal measures. Again, it was resolved, "That Mr. Ex-Sheriff Scott be expelled the institution for introducing Daniel O'Connel at breakfast on political principles which we do not approve." This was a most respectable man, and had been expelled for this trifling reason. He should not object to these societies if they took care that their partizans were properly registered, but they went far beyond this. In proof of what he said, he would merely refer to question 1548 and 1247. Again there was the following evidence :—

"Q. 1938. That the Grand Committee be directed to remove from the list of officers of the Grand Lodge the name of any person or persons supporting the Reform Bill as proposed by his Majesty's present Government.

"Q. 1939. That the reverend Henry Cottingham, and the reverend Samuel Wills were expelled the institution on the 8th June, 1831, for sacrificing their principles as Orangemen by voting for the Reform candidates."

EXTRACTS FROM THE APPENDIX.

"1st September, 1831.

"That Major Brownrigg be expelled from this Committee, in consequence of his conduct at the recent election in Dublin, and that his expulsion from the institution at large be recommended to the Grand Lodge of Ireland, and that a copy of this Resolution be forwarded to the King's county Grand Lodge."

"12th February, 1833.

"That a sum of 10l. sterling be placed at the disposal of Brother M'Neale, for the purpose of defending an Orangeman, at present in the gaol at Dundalk."

He understood that the person alluded to was to be tried for an attempt to murder a man with a butcher's knife. It did not signify what was the nature of the offence which these persons committed, as they knew that they would have the Orange society to defend them against every charge that might be brought against them. The result of the system of which he complained was, that in cases in which Orangemen and Catholics were apprehended for rioting, the Orangemen were let loose, and the Catholics prosecuted. If it did happen that the case was so flagrant as to oblige the Magistrates to bind the parties over to prosecute the Orangemen, money was sent to them, and they were furnished with the means of defence.

Colonel *Perceval* said, that there was nothing in the evidence before the Committee to justify the statement of the hon. Member.

The *Speaker* said, it would give much greater facility to their proceedings, and be much more consistent with the practice of the House, as well as more convenient to the Members individually, if the hon. and gallant Gentleman would take a note of any point which he wished to remark upon, and reserve his comment till the hon. Member for Middlesex had concluded.

Mr. *Hume* proceeded : He would refer to the evidence, in corroboration of what he had stated. Question : "Under the date of the 13th of February, 1833, there is this entry; 'That a sum of 10*l.* sterling be placed at the disposal of brother M'Neil, for the purpose of defending the Orangeman at present in the gaol of Dundalk ;' is that correct ?—It is." This was a single instance, and one in which only 10*l.* had been advanced, but there were others in which it might be supposed that the sums were much more considerable. Take the following question :—"Do they advance money for the purpose of carrying on the prosecution or the defence of any causes of any particular description ? When petitions or memorials have come up to the Grand Lodge, stating that subscriptions have been raised, or are in the act of being raised against any member of their body, or that a prosecution is unjustly pending over their heads, the Grand Lodge, after due inquiry, have at various times advanced sums of money in defence of those brethren." Hon. Gentlemen criedout,where there was a reference to the prosecution being unjust; but let him ask who was to decide that it was unjust. Would any man be such a fool as to say, that he sent money to defend a culprit who deserved to be prosecuted. He would now refer to the questions "If Mr. M'Beith was considered unjustly accused of murder, that would be a ground for supplying him with money for his defence?—Yes, I conceive so. Mr. M'Beith was found guilty of man-slaughter, was he not? I know nothing of the circumstances except what I have heard. But I believe so. Have you ever heard that that verdict was impugned for partiality?—No, I never heard it had been." He thought he knew who had put the latter question, because the answer was put first. It appeared, then, that money was supplied by the Grand Orange Lodges to defend persons charged with outrages; therefore he charged the Members of the Grand Orange Lodges with being the aiders, abettors, and defenders, of the riots which took place in Ireland. Such conduct must have the effect he attributed to it; parties of course would not so much care about getting into any scrape, if they knew that they were sure of having the means of defence. To show the interference of these lodges in political matters, he begged attention to the following:—

"24th Dec. 1834.

"That a document be prepared to be forwarded to the Orange electors of the city of Armagh, calling on them most strongly to support a Protestant candidate, and give their most determined opposition to the return to Parliament of Mr. Dobbin, or any other person professing the same Radical principles."

Now, judging from what he had seen of the hon. Gentleman Mr. Dobbin, he must say he was a Radical of the mildest description. The next Resolution which he should move was most important, it was this:—

"That it appears by the books of the Grand Lodge of Ireland, produced by its Deputy Grand Secretary, before the Select Committee of this House, that the undermentioned warrants for constituting and holding Orange Lodges have been issued, to Non-Commissioned Officers and Privates of the following Regiments of Cavalry and of Infantry of the Line, at home and abroad; to Non-Commissioned Officers of the Staff of several Militia Regiments; to Members of other corps and to the Police."

He would ask the House when the police who belonged to these Lodges came in contact with Catholics and Protestant Orangemen, how was it possible that they could act impartially. He had got a list of the warrants issued to the different Regiments:—

No. 156. To John Thompson Glasslough, Monaghan Militia Staff, 24th September, 1828.
334. D. Thompson, 24th Regiment (marching warrant), 1st. October, 1829.
415. Peter Duff, Fermanagh Staff (marching warrant), 30th June, 1835.
567. John Kennedy, 1st Dragoon Guards, 26th December, 1831.
859. George Agnew, 59th Regiment, 22nd October, 1833.
879. Samuel Scott, Cork, 89th Regiment, 1st May, 1834.
883. James Gresson, Cork, 70th Regiment, 1st May, 1834.
1115. Colin Dunlop, 79th Regiment (marching warrant), 3rd January, 1827.
1372. John N. Henry, 4th Dragoon Guards, 1st April, 1835.

This warrant, he ought to observe, had been granted since the Committee of Inquiry was appointed. The next number in the list was—

No. 1390. A marching warrant granted to the 7th Regiment, dated also since the inquiry commenced.

The list then goes on:—

No. 1406. James Gillespie——— Regiment, Armagh, dated February, 20th, 1829.
1412. Joseph Meineigh, 1st Regiment of Foot, city of Derry, 2nd January, 1834.
1433. William Gutteridge, Fermanagh Staff, (marching warrant), 24th September, 1828.
1501. John Fisher, 81st Regiment, Dublin, 17th September, 1828.
1537. Robert Moore, 15th Hussars, 25th March, 1835.
1725. William Evans, 85th Regiment, county Limerick, 14th March, 1834.
1740. John Maherty, 83rd Regiment, 11th September, 1832.
1765. Robert Taylor, 2nd Battalion, 25th March, 1835.
1775. Serjeant N. Hannah, 60th Regiment, 1st Battalion, 1st May, 1829.

1780. Henry Nichols, 50th Regiment, 4th July, 1832.
1781. Thomas Pownall, 80th Regiment, 8th August, 1832.
1831. Alexander Mortimer, sen., Dépôt, 32nd Regiment.

He would add another case the Report gave this question:—"Have the goodness to look at 415, '30th January, 1835, Peter Duff, Fermanagh Militia;' do you find that entry in the book?—I remember perfectly a renewal of that warrant being taken out by Lord Cole." Lord Cole then took out that warrant! If that could be proved, and it did not dismiss Lord Cole from his regiment, the standing orders issued by the Horse Guards were of no force. Question 2271 stated that a warrant numbered 567 was granted to John Kennedy, Dublin, 1st Dragoon Guards, December 26th, 1831. In the extracts from the book of proceedings of the committee of the Grand Lodge was the following:—

"1st January, 1834.

"Resolved. That warrant No. 1592, be granted to Joseph Meineigh, of the First Royals, on the recommendation of brother Adam Schoales, of Derry.

N. D. Cromelin.

"25th March, 1835."

N. D. Cromelin was in the chair, and there were the names of some fourteen or fifteen other individuals as present on that occasion. After seeing this, if there was any one who could believe that warrants were granted, and that the members of the Lodge knew nothing about it, he must think such credulous individuals wanting in common sense. He found also, from the same book, that it was moved by Mr. Swan, and seconded by J. O. Jones—

That warrant No. 1537 be granted to Brother Robert Moore, for the 15th Light Dragoons.

It was moved by James C. Lowry, and seconded by William Swan,—

That warrant No. 1765 be granted to Robert Taylor, for the second battalion of the 1st Royals.

and also—

That Lodge 1575 be permitted to initiate Mr. Talbot, formerly a Roman Catholic.

These resolutions too were signed N. D. Cromelin, as chairman, and there were present other members of the committee, by whom it was also resolved:—

That warrant 1372 be granted to brother John N. King, for the 4th Dragoon Guards.

The following were also extracted from the Book of Warrants of the Lodge—that the numbers there mentioned were given to the regiments set down after them:—

No. 155. John Lee, Glasslough, Militia Staff, Monaghan, November 18th 1823.
1309. John Little, 25th Regiment of Foot, October 4th, 1823.
1406. Serjeant John M'Mullen, Militia Staff, Armagh, March 8th, 1824.
1623. John Bushill, 1st Royals, July 28th, 1824.
1639. Francis Kennedy, county Limerick Police, county Clare, February 12th, 1824.
1689. John Buchannan, Rifle Brigade, June 4th, 1824.
1711. David Dowdall, 1st Royal Veteran Battalion, February 20th, 1824.
1712. John M'Matty, 12th Royal Lancers, February 20th, 1824.
1723. William Hanna, 2nd or Queen's Regiment, May 15th, 1824.
1725. John Aiken, 2nd Royal Veteran Battalion, Derry, May 28th, 1824.
1729. Henry Holden, 5th Dragoon Guards, June 16th, 1824.

They were all signed by the Field Marshal; and was he to be told that that individual was ignorant of the existence of such Lodges in the army. He found from forty to fifty officers connected with these proceedings. He would ask the hon. and gallant Member himself, how he could sit as a member of the Lodge, and allow of such proceedings? He could only say that if such practices were to exist, the sooner they dismissed the army the better. They paid for Lord Hill's staff 16,000*l*. a-year; and he, for one, would vote against the maintenance of that staff, unless Lord Hill could take care that an end was put to these proceedings. The noble Lord, the Secretary for Ireland (Lord Morpeth) should look to it. Could he expect the Yeomanry, if they were members of Orange Lodges, to act impartially between the Protestants and Catholics? Would he dare to call them out? They ought to be dismissed instantly. Every Orange Magistrate ought also to be dismissed. They might depend upon it there would be no peace for Ireland while a different course was taken. This was a time to speak out. He was expressing his own opinions, and he was happy to find them so well received. There must be a clean sweep made of all—the police included—who had any connexion with the Orange Lodges. Mr. Sharman Crawford, in his evidence, gave an instance of his being called on to put down a row, while he had the command of a military corps, and when the men were desired to desist from their attacks upon the people, they said, "Oh! why should we obey your orders? The Duke of Cumberland gave us authority, and he is a Prince; the brother of his Majesty." The hon. Gentleman produced a certificate, bearing the signature of the Duke of Cumberland; and also a tin case, such as soldiers keep their certificates in—tin cases being generally used in the army for the preservation of valuable papers. It commenced with "King and Constitution." That was a blind, as the hon. Member said that they might do mischief. The men who had these words frequently in their mouths, he dreaded the most. They affected to be loyal, but they were the greatest disturbers of the public peace. Their loyalty, too, was conditional. As long as the King maintained their ascendancy they were loyal; but as soon as anything was done by his Majesty, tending to destroy that ascendancy, their loyalty was at an end. These documents had engraved upon them likenesses of William III. The members knew one another by signs. He contended that if such a society had been known to exist, severe laws would have passed for its suppression. There were active proceedings at Malta. That these Lodges were extending themselves would appear from the following:—

17th December, 1829,

"Moved by the reverend C. Boyton seconded by E. Cottingham,

"That the next dormant number be issued to the 66th regiment, and the Quebec brethren be directed to send in a correct return, in order that new warrants be issued."

"17th November, 1831,

"Your committee have received from America the most cheering accounts, and the Lodges now sitting there under your warrants emulate each other in evincing their gratitude for the interests taken by you in their welfare."

He would next read to the House the 8th Resolution.

"That such warrants are sent privately and indirectly to such non-commissioned Officers and Privates, without the knowledge or sanction of the Commanding Officers of such regiments or corps; and every Lodge held by the Army is considered as a district Lodge."

He would next read to the House a correspondence, upon which he would ask the noble Lord whether he could sanction so underhand a proceeding, sanction it indeed the noble Lord could not,—but would the noble Lord put it down? The hon. Gentleman read the following documents:—

Copy of a Letter from William Scott to William Swan, the Deputy Assistant, Grand Secretary of the Grand Lodge. [Q. 2856,].

"15th February, 1833,

"Sir—We the Master, Deputy Master, and Secretary of 1458 Orange Lodge, of the 16th Company Royal Sappers and Miners, having in August, 1831, taken out the above warrant from the county of Antrim Grand Lodge, we are increasing in number, and wish to be supplied with any information which the Grand Lodge from time to time sends to our other country brethren. The regulations not pointing out any means for Military Lodges holding communication, we have therefore come to the resolution of applying by letter to you for instruction which will be most thankfully received. From the peculiar nature of our duty, we do not remain long in any place; therefore, your answering this as soon as possible will confer a lasting obligation on your most obedient, humble servants and brethren, William Scott, Master; Daniel Rock, Deputy Master; Edward Dixon, Secretary."

"William Scott, 16th Company Royal Sappers and Miners.

"That the committee would most willingly forward all documents connected with the Orange system to any confidential person in Ballymena, as prudence would not permit that printed documents be forwarded direct to our military brethren [cheers]. "W. J."

"In reply to this is a letter from Mr. Scott, dated 18th February, stating, 'I have to acknowledge the receipt of your letter of the 15th instant, and take this opportunity of expressing my thanks for the kind and gentlemanly manner in which you have answered last month's letter. I trust you will be kind enough to convey the thanks of the brethren of No. 1458, to the committee of the Grand Lodge, for their prompt consideration of our business, as well as for the interest they have shown in our welfare. The parcel, containing the papers, &c., can be directed to Mr. Andrew Crosbie, saddler, who is a faithful brother, and can be depended on'" [cheers].

The 9th Resolution he should offer to the House was as follows:—

"That the general orders of the Commander-in-Chief of the forces (Parliamentary

Paper, No. 395 of 1835) addressed in the years 1822 and 1829, to Commanding Officers of regiments and of dépôts, and to general Officers and other officers on the staff at home and abroad, strongly reprobate the holding of Orange Lodges in any regiment, as " fraught with injury to the discipline of the army ;" and, ' that on military grounds the holding of Orange Lodges in any regiment or corps, is contrary to order and to the rules of the service ;' and, ' that a disregard of this caution will subject offending parties to trial and punishment for disobedience of orders.'"

The " General Orders" were already before the House, but he thought it necessary to recall the attention of the House to them by reading them.

No. 2.

(Copy) (Confidential).

Circular Letter from the Adjutant-General, dated 1st July, 1822 (Addressed to Officers commanding regiments of Cavalry and Infantry at home and abroad, East Indies excepted).

Horse-Guards, 1st July, 1822.

Sir,—Reports having reached the Commander-in-Chief that measures are taken in some regiments to promote the establishment of Orange Lodges, and that in certain instances Commanding Officers have been solicited to permit soldiers to receive diplomas for holding such Lodges, his royal Highness desires that you will state, for his royal Highness's information, whether any attempt of this description has been made in the regiment under your command, as his royal Highness cannot too strongly reprobate a practice so fraught with injury to the discipline of the army.

I have, &c.

(Signed) H. Torrens, Adjutant-General.

No. 3.

(Confidential).

Circular Letter from the Adjutant-General, dated 14th November, 1829. (Addressed to Commanding Officers of regiments and dépôts, and to General and other Officers on the Staff, at home and abroad.

Horse Guards, 14th November, 1829.

Sir, — In consequence of circumstances which have recently come to the knowledge of the General Commander-in-Chief, his Lordship has directed me to transmit to you a duplicate of the circular issued on the 1st of July, 1822, by his late royal Highness the Duke of York, and to call your attention to the necessity of strict conformity to it, and of the exercise of the utmost vigilance on your part, to prevent the introduction, or the existence in the regiment under your command, of the practice therein adverted to, and which was so justly reprobated by his royal Highness as " fraught with injury to the discipline of the army."

In making any inquiry with a view to ascertain whether any Orange Lodges have been made in the regiment under your command, you will cause it to be clearly understood by the men, that the investigation has become necessary on military grounds, and that they will not be exposed to any reflection or disgrace on account of being Orangemen, but that their meetings being contrary to order, and to the rules of the service, cannot be permitted, under any pretence. Finally, that their disregard of this caution will subject them to trial and punishment for disobedience of orders.

Having laid these facts before the House he would ask, could it be believed that his Majesty was aware of them ? The noble Lord ought to take his Majesty's opinion on the subject. The Duke of Cumberland did not issue the warrants with his own hands; the blank warrants were put before him, and he signed them ; but there was an engraven memorandum at the bottom, and he would ask whether that was there at the time of the signature ? He was informed that Lord Hill knew nothing of this matter, and that three years ago he did institute an inquiry. Colonel Dixon put down an Orange Lodge in his regiment; but he did not do so till he found there existed in it a Riband Society also. He tolerated the Orange Lodge till he found the re-action.

The 10th and 11th Resolutions, which he had to move, were the following :—

" That these Resolutions, and the evidence taken before the Select Committee on Orange Lodges, be laid before his Majesty.

" That an humble address be presented to his Majesty, praying that he will be graciously pleased to direct his Royal attention to the nature and extent of Orange Lodges in his Majesty's Army, in contravention of the general orders of the Commander-in-Chief of his Majesty's Forces, issued in the years 1822 and 1829, which strongly reprobate and forbid the holding of Orange Lodges in any of his Majesty's regiments ; and also to call his attention to the circumstances of his Royal Highness Ernest, Duke of Cumberland, a Field Marshal in his Majesty's army, having signed warrants, in his capacity of Grand Master of the Grand Orange Lodge of Ireland (some of them dated so recently as April in the present year,) which warrants have been issued for constituting Orange Lodges in the army."

The hon. Gentleman concluded by moving his first Resolution.

The Question having been put by the Speaker,

Mr. *Wilson Patten* said, he intended to move an Amendment to the Motion of the hon. Member for Middlesex, and in doing so he must express his surprise at the manner in which the hon. Gentleman had introduced his resolutions to the House. If ever there was a farce, the present proceeding was one. This subject was referred to a Select Committee, while the Committee were proceeding with their inquiry, the House was put into possession of part of the evidence, which did not amount to half; and the hon. Gentleman availing himself of this portion brought forward resolutions on which he grounded attacks on the characters of individuals. He would ask was that fair? Would the House consent to come to a resolution on the subject, on the statement of the hon. Gentleman? In his opinion they should reserve their decision till the whole of the evidence was before them. If they were prepared to adopt the course recommended by the hon. Gentleman, in his opinion the Committee might as well at once conclude its labours; indeed, it would be quite farcical for them to sit a day longer. Nothing, however, which the hon. Member for Middlesex had said, should induce him to enter fully upon the whole subject; for that was a course which he should deem highly improper. From the nature of the Motion which the hon. Member had given, he certainly had understood that it was his intention to limit himself to that portion of the subject which related to the existence of Orange Military Lodges; and that portion of it he was perfectly willing to discuss. The hon. Member could not go beyond him in abhorrence of that system, he thought it unfair and indefensible, as not only undermining the discipline of the army, but also endangering the liberty of the subject. He regretted, however, that other matters, had excited the same feeling of jealousy on the part of the hon. Member; but he did think that before the hon. Member had taken the course he had, he should have endeavoured to make himself acquainted with the circumstances relating to all secret societies existing in the army, and not have shown a disposition exclusively to inquire into one class. For his part, then, he could not but express a hope that those other societies might be included in the resolution. A portion of the evidence had been alluded to on the subject of the existence of Riband societies in the army; the Committee had examined many individuals of the highest respectability—among them, two Lord-lieutenants of counties, several magistrates and Sir Frederick Stovin, the chief of the constabulary of the province of Ulster—on this subject; for a belief had certainly prevailed with many of its members that such societies did exist. He confessed, however, when he came to the evidence of these gentlemen, all the belief which he himself had entertained to that effect fell entirely to the ground. Sir Frederick Stovin said he had paid great attention to that subject—that he possessed the fullest means of investigating it with the whole of the constabulary of Ulster at his command; yet that he had never arrived at the knowledge of the existence of the system. They had now, however, proof of the most clear and distinct kind that Riband Societies existed in the very district over which Sir F. Stovin presided—such was the secrecy which attended them. On that ground he felt that the system of ribandism was still more dangerous than that of Orange Lodges, inasmuch as the secrecy of its constitution had totally baffled all attempts to inquire into it. With the evidence, however, which the House had of its existence, he thought that there could be no disposition to include it within the scope of the Resolution. He now came to the subject of the last Resolution, in which reference was was made to an illustrious Duke, and the share which he was supposed to have taken in the promotion of Orange Lodges. He begged to state he was not there either as the defender or accuser of that illustrious individual, and that he should not be deterred from expressing his conscientious opinion upon the subject. He did feel that the House must deal with all parties of high or low station with equal justice and he thought that it would be an act of gross injustice to imply an accusation against that illustrious Duke before they had gone fully into the evidence which might be brought before the Committee with the view of explaining his connexion with the system. There was one witness not yet examined, who, as he had been given to understand, would supply some valuable information on that point. The statements of the hon. Member for Middlesex, when made public, were calculated to produce an impression prejudicial to many private individuals and public characters, and thus to prejudge the case. He would only repeat, that he did not think it was fair to enter into a full discussion of the whole subject before the House was in possession of all the evidence which might be adduced upon it. When the proper time came he should be ready to take a part in the discussion of it, and to express his opinions. He should now move, as an Amendment, that all the Resolutions which the hon. Gentleman proposed should be omitted, with the exception of a portion of the last; or that the Motion should be to this effect:—"That an address be presented to his Majesty, praying him to direct his royal attention to the nature and extent of Orange Lodges existing in his Majesty's army, in contravention of the general orders issued in 1822 and 1829, and also to cause investigation to be made into the existence of other secret societies."

Mr. *Finn* said, that having seconded the original Resolution, he felt himself called upon to expose a system, the professors of which had been trained to blood and crime from the first three months after it came into existence.

An *Hon. Member* objected to going into the general question before the evidence had yet closed.

Mr. *Finn* proceeded to address the House, and said that Orangeism had increased in England and Scotland to a degree which hon. Members were not aware of, and which would soon compel them to look at home. He held in his hand the book of Laws and Ordinances of the Grand Orange Lodges of Great Britain, published under the authority of the Grand Master, the Duke of Cumberland. The hon. Member then proceeded to read some extracts from the pamphlet in question, commenting upon them as he went along. These rules and ordinances were directed against the encroachments of the Catholics in the United Kingdom, and were for the most part the same as those of the Orange Lodges in Ireland. And this was all to protect the Protestant religion. These rules and ordinances were a mockery and an outrage against all the principles of the Christian religion. The fee of admission into these lodges was 15*s.*, except in the case of soldiers and sailors—when the fee was to be at the discretion of the meeting. Did the Duke of Cumberland know nothing of the resolution remitting the fee for soldiers and sailors? The hon. Member then read the Report of the proceedings of a meeting of the Grand Lodge, held at the House of Lord Kenyon, in Portman-square, at which the Duke of Cumberland, the Duke of Gordon, Lord Wynford, the Bishop of Salisbury, and others, attended. On this occasion an address was presented to the Duke of Cumberland, beginning, "May it please your Royal Highness, we your dutiful subjects." This address then went on to assert the loyalty of the subscribers to the King's authority—and to proclaim the rights of the King to discharge his Ministerial advisers, and select new ones, as he thought proper—and finally denounced the schemes of disturbance which the party called the Destructives were then hatching. Amongst other proceedings on this occasion was a communication read from the Grand Master of Rochdale, reporting that three of the Orange body had voted for the Whig candidates at the late election, contrary to the standing orders of the society, and recommending accordingly that they should be expelled from the Lodge, which was agreed to, and decreed as a wholesome example to others. Amongst other doctrines sent forth by the Grand Orange Lodge of Great Britain was one that it was expedient that they should always be consulted upon the election of Conservative candidates for Parliament, because, through means of their corresponding lodges, they knew the political sentiments and merits of every man in the country. The hon. Member concluded by calling upon the people of England to strangle this infamous system, and prevent its further growth in the country.

Colonel *Wood* said, he would not follow the hon. and learned Member who had just sat down into the history of the system of Orange Lodges, because that was not the question before the House. He would apply himself to that part of the question which related to the army. The hon. Member seemed to think that the Duke of Cumberland must be aware of the existence of the Orange system in the army. He could only say, that he met the Duke of Cumberland yesterday, when his Royal Highness assured him that he invariably signed the warrants in blank, and was not aware, in most cases, how they were filled up; and, moreover, that on some occasions, when he had been asked to transmit some of these warrants for the use of the regiments of the line, he had invariably refused. To show how the army viewed this subject, he would mention that a few months back three men were tried by Court Martial in Ireland for the offence of having joined in an Orange procession, contrary to the standing orders against such proceedings.

Mr. *Henry Maxwell* said, that he did did not rise so much in consequence of the call that had been made upon him by the House, as to answer the question that had been put to him by the hon. Member for Middlesex (Mr. Hume). The hon. Member for Middlesex, in the course of his speech, read a copy of a warrant for holding an Orange Lodge, and it was inferred by him, in consequence of a note appended to the warrant, that his Royal Highness, the Duke of Cumberland, could not plead ignorance of the use that was to be made of the warrant, inasmuch as the note points out that it is a "marching warrant." The hon. Member (Mr. Hume) had asked him (Mr. Maxwell) to inform the House whether or no the note was attached to the warrant when it received his Royal Highness's signature? In reply, he begged to state, that no such note was engraved on the warrants. He would explain, in a very few words, the reason why the note appeared at all. He (Mr. Maxwell) was one of those appointed by the Committee to select the papers that were to form the appendix to the Report, and he was requested to explain the difference that existed between a "marching warrant" and an ordinary one, and he wrote the note at the foot of one of the warrants, in order that the Committee and the House might have the necessary instructions; but no such note was in point of truth attached to the warrants at all; and, therefore, as the hon. Member's reasoning was unsupported by facts, his Royal Highness, the Duke of Cumberland, must be acquitted of the charge brought against him of having knowingly issued warrants for the purpose of establishing Orange Lodges in the army. He was himself one of the persons who signed the warrants, and he declared, in the most solemn manner, that, until it transpired, in the course of the inquiry, that Lodges did exist in the army, he was not in the slightest degree aware of the circumstance. He trusted the explanation he had given of the manner in which the note came to be appended to the warrant would be considered satisfactory by the House. With respect to the objects of the Orange Institution generally, he was prepared to enter into its defence when the proper time arrived; but he did not think this the proper opportunity for so doing. He had been now for several years a member of the Institution—he had been a constant attendant at the sittings of the Committee, and he had no hesitation in stating that, during the protracted inquiry that had taken place, nothing had been elicited that in the least changed his opinion with respect to the Institution. When he said this, he did not mean to extend his observations to the introduction of Orange Lodges in the army. He would again repeat which he did with the utmost sincerity, that until he heard of the circumstance, in the course of the inquiry, he was not aware of their existence in the army. The Orange Institution courted inquiry; and he was himself the individual who seconded the hon. Member's (Mr. Finn's) Motion for the appointment of the Committee. He denied that the witnesses were unwilling witnesses. They were the officers of the Institution, and had produced freely and unreservedly before the Committee all the books and documents connected with the Institution.

Mr. *Ward* hesitated not to say, that if the House consented to the Amendment which had been proposed, they would shrink from the performance of their duty. After the inquiry instituted to examine into the state of Orange Lodges had proceeded a considerable way in the investigation, it was ascertained that the system had been introduced into the army, and prevailed to a considerable extent. The facts relating to this part of the subject had, as far as they went, been fairly stated by the hon. Member for Middlesex, whose speech gave a fair specimen of the whole of the evidence which would ultimately be submitted to the House; and the Resolutions which the hon. Member had proposed, naturally arose out of these facts, and were founded on them. This organized plan of Orange Lodges had, it appeared, extended itself to regiments in Canada and Malta, and the Grand Committee of the Society expressed their satisfaction at the cheering accounts which they had received from the regiments in those quarters. What right, he asked, had the Orange Lodges thus illegitimately and unconstitutionally to interfere with the British soldier, and convey an insinuation into the minds of these men that a private association of this description could in any way influence their welfare, and, perhaps, in opposition to their military duty, serve their country. It was the bounden duty of Parliament to make known these proceedings to the constitutional Sovereign of the realm, though they did not of course suggest what steps should be taken in order to put an end to them. There had been a meeting at Lord Kenyon's, at which his Royal Highness, the Duke of Cumberland, presided, at which it was determined that a certain sum of 15*s.* should be paid on taking out a warrant for forming Lodges, but by which a special exception was made with respect to non-commissioned officers, soldiers, and sailors, whose admission fee was left to the discretion of the Committee. And yet the Illustrious Duke professed his ignorance of the existence of this system in the army. Accompanying this circumstance with the number of these warrants which were issued, as a conscientious man he could not entertain a doubt that his Royal Highness must have been aware that many of them were applied to the formation of Orange Lodges in the army. He did not, he reiterated, doubt for a single moment, that his Royal Highness must have been aware of the circumstance. The assertion that he had only signed blank warrants did not at all relieve his Royal Highness from the charge that he knew the purpose to which they were to be applied. He should like to know whether his hon. Friend near him, the Member for London, would consider himself justified in signing checks, and after having committed them to the hands of his clerks, plead ignorance of the objects of them. Or would the hon. and gallant Member opposite (Colonel Perceval) consent, in his Magisterial capacity, to issue warrants, and, after having done so, declare that he was not responsible for the consequences? Besides, these Lodges were now become general; the meeting at Lord Kenyon's to which he had already referred, was held for the purpose of organizing them; and there might now be for aught any person knew except the Orange Committee, a dozen Lodges in the guards of London, or on board his Majesty's ships at Plymouth, and they had as yet no means of checking the evil. It was even insinuated that the House were now called on to connive at this system, instead of opposing and denouncing it. He had a perfect horror of all illegal societies whatever in the army. He felt himself well qualified to judge of their effects, it having been his fate to have spent some years in countries during the process of revolution. God forbid that he should say that there was another country undergoing that process, though he could not declare such a result to be impossible, if such practices as these were allowed to be continued in the army. The spirit which gave rise to this was, he was persuaded, the main spring of all the jealousies, heart-burnings and distractions, to which the hon. and gallant Gentleman's (Colonel Perceval's) own country was subjected. Look at it pervading the yeomanry in that country, who could not be employed for the protection of life or property, without insuring a violent exertion of authority on the one side, and a connivance at any misconduct or outrage which might be committed on the other. The system was now spreading through the army, and it already pervaded the bar and the bench in that country. Look again at the effects which, in such a country, must be produced by the declarations contained in a letter lately published of a right reverend Prelate, the Chaplain of the Orange Lodges, in which he spoke of "the indelible hostility of Popery to the Established religion." See what feelings of distrust and animosity must have been awakened by this assertion, in the breasts of those who were called Orangemen, against a large and most valuable portion of their countrymen. "Be active," (continued this man of peace) "and never suffer popery to regain its ascendancy." He trusted "Popery" never would; but this he would add, that as he possessed freedom in civil and religious rites himself, he was unwilling that the same privileges should be withheld from his Catholic fellow subjects. Believing then that the Lodges were actively progressing in England as well as in Ireland; having conclusive evidence before him of that fact, he did not hesitate to aver, that the hon. Member for Middlesex had done his duty as a Member of that House, and as an honest man, in fully and freely exposing this system (which was proved to prevail) to the country. He concluded by expressing his conviction that the House would be guilty of a dereliction of duty if, from false delicacy or fear, they delayed in assenting to the Resolution.

Colonel *Perceval* was not surprised at the strong terms of reprobation in which the hon. Member for St. Alban's (Mr.

Ward) had spoken of the Orange Institution, as it appeared that he had given more credence to the anonymous statements put forth in the Dublin newspapers than he was willing to accord to the evidence taken before the Committee of which he (Mr. Ward) was a member. He had read with the closest attention the voluminous Report of the evidence taken before that Committee, and he was able to trace throughout the whole this important fact, and it was supported by the concurrent testimony of all the witnesses, namely, that the Orange Institution was altogether a defensive society; and sure he was, that if the Ribbon Society, which Sir Frederick Stoven was too blind to see, though it existed under his nose; if that society were put down—if the Roman Catholic Association, which had subsequently appeared under so many different names—such as an Anti-Tithe Association, the Anti-Tory Association, and the Franchise Association—if all these societies were given up, and that the Protestants had security for their lives, the Orange Association would *ipso facto* cease to exist. The hon. Member who had just sat down, as well as the hon. Gentleman who introduced the subject, had attributed all the blood-letting and atrocities which had been perpetuated in Ireland to the existence of Orange Lodges. How, he would ask, did it come to pass that in the counties of Kilkenny, Carlow, and Tipperary — in these very counties where atrocities were continually in the habit of being committed at which human nature shuddered —how did it come to pass, that scarcely an Orange Lodge was to be found there? And yet, according to the hon. Member's statement, the Orange Institution was to be charged with the perpetration of all these crimes, though, in reality, there were no Orangemen in these districts. The fact was, as he before stated, that the Orange Institution was in its essence purely defensive—it was not opposed to, or was it hostile to, Roman Catholics. He would appeal to his hon. Friend, who was chairman of the Committee (Mr. Wilson Patten), and who had been most constant in his attendance, whether it did not appear in evidence that a man, for his hostility to a Roman Catholic, was proved to be ineligible to be admitted a Member of the society. He had, on a former occasion, stated that the society was not in its essence a secret society; and he, at that period, took upon himself to promise, that the institution would submit all their books and documents to the most minute scrutiny. He did not at the time feel warranted in stating that the signs and pass-words would be given up; but, however, the Orangemen had, much to their credit in his opinion, exposed their signs and pass-words to the Committee; even those he repeated, had not been kept back, and he now defied all those who were not wilfully hostile to the institution, to prove that it was not purely of a defensive nature. It was notorious — it had been proved before the Committee and in the courts of justice, that societies existed in Ireland whose object was the extirpation of the Protestants—and while such societies existed, was it to be expected that the Orangemen would abandon a confederacy which had its origin in self-defence, and was kept up with no other view? The Orangemen of Ireland were ready not only to support the law, but to conform to the law—they were ready to sacrifice their lives, if necessary, for the purpose of maintaining the present Royal Family on the Throne; but, if treasonable societies were allowed to exist in defiance of the law, the Protestants of Ireland could scarcely be blamed for combining for their own defence. He would say put down effectually the treasonable societies, and the Orangemen would dissolve themselves. It had been proved that these really secret and treasonable societies existed in the army. They existed in the 64th regiment, and so far from their having followed the establishment of Orange Lodges—the Orange Lodge, it was proved, was established with a view to counteract the influence of the Ribbon Lodge, which was previously in existence. Now he never did advocate—on the contrary, he always condemned the establishment of political societies in the army. He was one of those whose duty, as an officer of the Grand Lodge, it was to sign the warrants. He succeeded his lamented Friend, Sir Henry Brooke, as grand treasurer of the institution. The warrants were signed in blank by his Friend Mr. Maxwell and himself, they were then sent in numbers, varying from fifty to two hundred, to his royal Highness the Duke of Cumberland, who, seeing Mr. Maxwell's and his (Col. Perceval's) signatures to them, signed them also and forwarded them to the Grand Lodge of Ireland to be applied strictly according the rules of the institution. His Royal Highness, therefore, knew no more of the manner in which the warrants were disposed of than the hon. Member for Middlesex himself. I (said Colonel Perceval) declare, on the honour of a gentleman, that I, who signed the warrants, never heard, until it transpired in the Committee, that Orange Lodges existed in the Army; and when I did hear it, I condemned it as strongly as the hon. Member for Middlesex or any other hon. Member. He would now state a fact, in order to show what his opinion had been, many years ago, on the subject. He had the honour of commanding the Sligo regiment in the year 1812, which at the time was stationed at Chelmsford. At that period he was not an Orangeman, nor did he become one till 1832, though previously to that time he had been frequently taxed in that House with being one. In 1812, Orange Lodges existed in almost all the Irish militia regiments; and, at the time he alluded to, when he assumed the command of the regiment, the Master of the Orange Lodge in the Sligo regiment died; there was some discussion in the regiment as to who was to succeed him, but the way he managed was this: he took the warrant and the paraphernalia and sent them all off to Ireland, and gave strict orders that no Lodge should be formed in the regiment. With regard to a noble Friend of his (Lord Cole) not now in town, the hon. Member (Mr. Hume) accused his noble Friend with having established Orange Lodges in his regiment, and called upon his Majesty's Ministers to dismiss him. Now what were the facts of the case. The warrants it is true, were originally issued to the Fermanagh militia; they had been dormant for upwards of eighteen years, and though originally issued to the regiment, were not now regimental warrants at all. Some persons residing in the neighbourhood of Florence-Court, were desirous of establishing a Lodge; and the closer the number of the warrants approach to number one, the higher is the value which is set upon them; and Lord Cole applied to the Grand Lodge for those dormant warrants which bore the numbers 415 and 1433, and his request was granted, and Lodges are now held under them in the county of Fermanagh, composed of persons, with the exception of one individual, who had never been in the Army at all. The facts of the case, the House would see, did not warrant the imputation cast upon his noble Friend by the hon. Member for Middlesex. That hon. Member had read such portion of the Duke of York's orders to the Army as suited his purpose, but he neglected to read that portion of it which distinctly stated that the fact of being an Orangeman, would not be considered as an imputation upon any man. With the concluding portion of that letter he (Colonel Perceval) cordially concurred, inasmuch as he highly disapproved of the existence of Lodges in the Army. He begged leave to corroborate the statement that had been made by his hon. Friend (Colonel Wood) with respect to the ignorance of his Royal Highness the Duke of Cumberland, as to the fact of Orange Lodges having crept into the Army. He had the authority of his Royal Highness to inform the House, that on one occasion only, was a proposition submitted to him for the establishment of a military Lodge, and his Royal Highness expressly stated that he could not give his sanction to such a proposition, unless it had previously met with the approval of Lord Hill. He stated what he knew to be a fact, that the Duke of Cumberland was as warm in his condemnation of the introduction of Orange Lodges into the Army, as any hon. Member who had spoken upon the subject that night. He was not surprised that English Members should be prejudiced against the Orange Society, owing to the statements they had heard made in that House against the institution. The hon. Member who opened the Debate, commenced by stating, that the riot and bloodshed which took place recently in Belfast, was owing to the misconduct of the Orangemen. The hon. Member had reiterated the calumny, without taking any pains to ascertain whether it was true or not. He held in his hand the *Belfast Guardian*, which contained Resolutions entered into ten days after the riot. He would beg leave, with the permission of the House, to read a passage, which would show whether or not what the hon. Member had stated with respect to Orange Lodges in that part of Ireland, was founded in fact. It appeared by that paper, that there was a special meeting of the Orange Society of Belfast on the 22nd of July, 1835—ten days after the occurrences to which the hon. Member for Middlesex alluded; in which that Society came to a Resolution that, although they deeply regretted the melancholy events which had taken place, they recurred with feelings of gratification to the fact that their own resolution to abstain from any processions on the occasion had been so strictly observed, that not a single member of their Society had been concerned or implicated in the riots which had occurred. In another resolution they expressed their just indignation at the attempts which were constantly making to suppress their body, by the misrepresentation of their principles—principles which their calumniators did not understand. The same paper contained a report of trials, where certain parties were found guilty of rioting, and sentenced to punishment, none of whom were Orangemen. He mentioned this circumstance to show how little reliance was to be placed on party statements. He certainly was much surprised that the hon. and learned Member for the city of Dublin, who, at the time he made his speech upon the subject the other evening, was in possession of this paper, did not mention the fact; as also that there was a procession of Roman Catholics with green and yellow flags flying, by whom the disturbances of the day were commenced. He would state, upon authority in which he placed reliance, that there were no Orange banners displayed in Belfast that day, and that in fact no Orange procession had taken place. He would give another instance of the grossest misrepresentations of the conduct of the Orangemen by the Press in Ireland: it was stated in *The Dublin Evening Post* (and with great circumstantiality of detail) that a priest had been shot in Carlow by some Orangemen; the fact being that the priest had been dining with a friend, and that in riding home he was thrown from his horse and killed by the fall. The *Evening Post* attributed this atrocious outrage, as it styled it, to the Orangemen; and so circumstantial were its details, that it set forth that several balls had entered the priest's body, and that one had been extracted from his head—whereas the man was killed by a fall from his horse. The whole statement in the *Evening Post* was grossly false, and reflected, in the most unwarrantable manner, on his right hon. Friend (Mr. Shaw), by attributing the alleged murder to the speeches delivered by his right hon. Friend. The paragraph also set forth that the murder was perpetrated at a place out of which Colonel Bruen had dispossessed Roman Catholic tenantry, and put Orangemen in their places. What would the House think when he informed them that no such thing as the alleged dispossessing of tenantry had taken place, nor did the accident occur near Colonel Bruen's property at all. The House could now understand with what justice the atrocities perpetrated in Ireland had been laid at the doors of the Orangemen. He denied that the Orange Societies violated any existing statutes; they exacted no oaths—no declarations—no tests. He (Colonel Perceval) never made a declaration, nor took a test, unless the signs could be called so; and at that moment he could not recollect a single sign or pass-word. He repeated, that the Orange Societies were not illegal, and he was borne out in his denial by the opinion of the late Attorney-General (Mr. Blackburn). The hon. and learned Member for Dublin had, on a former occasion, read a portion of the Act of Parliament, and he agreed with the hon. Member, that if declarations and tests existed, the Society was illegal. He stated at the time, that if it were proved to him that the Society was illegal, he would be the first to leave it, and he declared the same now. The Orange Institution was founded on a love of their neighbours—the Orangemen were essentially supporters of the law, and the maintenance of the connexion between England and Ireland, the severance of which was the object of their opponents. He denied that Mr. Scott was expelled from the Society because he entertained Mr. O'Connell at breakfast; but he was expelled because he supported a repeal of the union. Every Orangeman was a lover of British connexion; he was bound to support the law, to maintain the constitution, and the throne of England in the reigning family, being Protestant. These were the real crimes of which the Orangemen had been guilty, and which had drawn down on them the vengeance of the enemies of all order and law. Had the Orangemen, when called upon by the hon. and learned Member for Dublin to join him in repealing the Union, responded to his call, no charge would have been preferred against them;—but they stood firm by British connexion, and that was a crime which will never be pardoned. He repeated, that his Royal Highness the Duke of Cumberland signed the warrants in question on the faith of his signature, and the signature of his hon. Friend the Member for Cavan. He was persuaded that Orange Lodges did not exist in several of the regiments which had been alluded to; and he hoped the noble Lord the Secretary at War would inquire into the fact. He had concurred with a gallant Friend of his that day, who had just returned from Malta, and he was ready to prove before the Committee that no Orange Lodge existed in the regiments quartered there, and which were alluded to by the hon. Member. In the 4th Dragoon Guards, too, he was given to understand that no Lodge existed; but these were facts which he hoped the Secretary at War would ascertain. He should be very happy to see the day when there would be no necessity for any Orange Lodges whatever in Ireland. He was convinced, however, that they were not more injurious than Freemason's Lodges. He was a member of both; and he would confidently assert that the one was as innocent, as amiable, and as worthy of being upheld, as the other; but if one be put down, both must be extinguished.

Lord *John Russell* said, that he owned it was with some regret he found the hon. Member for Middlesex had persisted in bringing forward the Motion before the House, for he certainly thought it was a question which must occupy the attention of Parliament both during this, and, as he believed, the next Session. He conceived that it would have been better if the hon. Member for Middlesex had waited until the evidence was more complete; but at the same time, as the hon. Member had thought it right to bring the question forward, he should not shrink from taking that course which he felt to be incumbent on him on that occasion. If, in the course of the observations he should feel it his duty to offer to the House, he should pronounce any opinion in favour of those Orange institutions, it could not be imputed [to him that he did so from any difference of opinions particularly directed against those societies. While a Member of this House and of the Government he had ever been an enemy to all associations of the kind. He had not hesitated in being a party to laws framed in the spirit of the constitution to put down associations which he thought dangerous to that Constitution and injurious to the authority of the Crown. In this feeling he had been a party to the proclamation to which the hon. Member for Middlesex had alluded, which had put down the proceedings—the dangerous proceedings, as he believed, of the Birmingham Political Union, in 1831; and when persons in humble situations of life had involved themselves in the guilt of illegal transactions, he had thought it his duty to consent to that degree of punishment which might deter others from following so mischievous an example. Therefore, having always entertained those opinions—having entertained them in opposition to large and popular bodies,—and having expressed those opinions against persons in humble situations of life, he now felt it his duty to express the same opinions of censure and condemnation when some of the highest and most illustrious persons in this country, aided by strong party connexion, and by persons of the highest rank, military, and civil, had involved themselves deeply in the mischiefs and injuries which these societies were calculated to create. If those societies served to preserve the peace and harmony of the State, the case might be different, but when it was seen that by degrees they rose until they broke that peace of which they professed to be the conservators—when they poisoned and corrupted the sources of justice they so much lauded—when they perverted and seduced that soldiery whom the King alone had the lawful prerogative to command, when all these evils were visible, he thought the House could not but be sensible that it was its duty by every means in its power to discountenance, and if possible to put a termination to societies of this kind. He was sorry the hon. and gallant Member opposite had alluded to riband associations in the army. A great deal of the evidence on the Table of the House concerned those associations; but he would say, "Let associations of all such kinds be put down." Let the House deal impartially, and join in suppressing those disorders as fruitful of insubordination amongst the people. He had observed, he must say, with great alarm, the declarations made by the hon. and gallant Member for Sligo, and of the hon. Member for Cavan, the Secretary of that body, both of whom had declared themselves to be totally ignorant of the purposes to which the warrants bearing their signatures were to be applied. The hon. Member who had last spoken had informed the House that his royal Highness the Duke of Cumberland had on the faith of his signature and that of the hon. Member for Cavan signed the blank warrants, which afterwards were sent elsewhere, so that his royal Highness had reposed confidence in those who, also placing confidence in others, had affixed their signatures. To add to the alarm consequent on this statement, there was also the fact, stated, not on vague evidence, but by their own Secretary, who, he must say, with the utmost fairness and frankness, had produced all the information in his power, that these warrants for lodges had been sent, he believed, to no less than forty regiments. Thus it appeared, by the confession, or by the testimony of the Secretary to the Orange society, that the warrants were sent amongst non-commissioned officers, amongst soldiers anxious to do their duty to their King, to the Protestant religion, and to the Protestant Church, and who received warrants signed by the hon. Member who had last spoken, signed by the Duke of Cumberland, a Prince of the blood, neither of those individuals knowing one word about the matter, or, supposing they did know, were prepared to condemn the proceeding as subversive of all discipline. He owned this confession revealed practice which could not be too loudly condemned; and when the practice had been condemned by the late Duke of York as fraught with danger to the discipline of the army, he felt some surprise that a declaration had not been added by the Members of that body, from the highest to the lowest, deeply lamenting that they belonged to a society in which such a use was made of their names. He felt some surprise, also, that when those distinguished individuals saw that the whole discipline of the army might be subverted and destroyed under colour of their high authority and their known attachment to the Protestant religion, that they should lose one moment in making it known that they had ceased to be Members of such an association. He could not imagine why the hon. Members opposite should continue to lend such proceedings their countenance and support. He could not conceive that the illustrious Prince, so often named in the course of this debate, should hesitate, when thoroughly convinced of the use that had been made of the blank warrants bearing his signature, to retire from the association, and he could not conceive otherwise than that the illustrious individual in question would feel it consistent with his duty as a Prince of the blood, and filling a high rank in the army, no longer to hold in the society the situation which he now filled. In the observations which he (Lord John Russell) had made, he had said nothing to condemn either the Duke of Cumberland, or those hon. Members opposite; neither had he imputed to them anything except that which they had themselves avowed. He did not impute to them, which indeed would be a grave offence, the having any knowledge that Orange lodges had been formed in the army, although the circumstances under which those lodges were instituted required explanation from them. He now came to the consideration of the Resolutions which had been proposed, and he was very much disposed originally to agree with the hon. Chairman of the Committee (Mr. Patten) in thinking that the first Resolution would come more properly from the Committee after the Report had been made; but on reading the Resolutions more attentively, they seemed to him to contain nothing more than a skeleton of the Constitution on which Orange lodges were framed; and he thought it was necessary for the purposes at present in view that the House should come to some conclusion with respect to the formation of Orange Lodges in the army. He had endeavoured to find out from the evidence who the persons were who had thought it right to make such use of so high authority as the names appended to the warrants; and he would take the liberty of reading to the House two questions, the answers to which threw some light on this subject. The first question was, "Are you aware whether the Members of the Grand Lodge approve of regimental lodges? The answer was, "Of my own knowledge there is a vast difference of opinion on this subject. Many intelligent and influential men seem to think that it was not right or conducive to the good of the army, but that they were overborne in that opinion by a certain majority." With respect to that majority, he could suppose not less than 300 persons of rank, property, and influence, to have been assembled in the Grand Lodge during the deliberation on that question. However that might be, it was surprising that the minority should not have taken pains to make the discussion of that question known to the hon. and gallant Member for Sligo, and to all those high personages, who, it would seem, were in the minority, and whose names appeared signed at the top of the warrants—documents which doubtless had produced the greatest effect, when distributed amongst the poor and ignorant Members of the Orange Society. What, however, did they do. The next question asked, was this:—"What do you conceive to have induced the majority of the Grand Lodge to give their sanction to the existence or continuance of regimental Orange Lodges? It is the knowledge and belief that societies, dangerous to the Established Church and to the Protestant institutions of the country, already exist to a very great and dangerous degree throughout the British army; and those Members have argued and come to the conclusion, that they have no right to keep Orange warrants from soldiers making applications for them, when they have heard of the existence of such dangerous institutions, the effects of which can only be mitigated and neutralized by the establishment of Orange Lodges. Now, if he wanted any proof of the danger of such associations he found it in this quotation. The parties complained that dangerous societies existed in the army and instead of going to the military authorities of the country—instead of going to any of his Majesty's servants, civil or military, to inform them of the existence of these dangerous institutions—they set up as a counteracting power, an empire of their own, in the very heart and centre of the army. They said, there were dangerous institutions on the one hand, and they set up more dangerous institutions on the other. What was this, but making the army instead of being full of harmony, discipline, and confidence in their chiefs, the scene of contention and anarchy—what would the effect be, but to make one soldier ready to fight against another, instead of being prepared under his Majesty's authority to preserve the peace of the country against all offenders, be they Orangemen, be they Roman Catholics, or be they Ribandmen? The soldiery would thereby set up for themselves what they thought should be the institutions of the country, and they would no longer be obedient to the orders of the Commander-in-Chief, to which only they ought to look. With these impressions on his mind, he could not but be prepared to agree to such of these Resolutions as in the first place concerned the constitution of Orange Societies; and, in the second place, to such as concerned the introduction of those societies into the army. But the hon. Member for Middlesex had introduced an obstacle in the way of these Resolutions by a reference in the last of them to an illustrious individual now holding the rank of Field-Marshal in his Majesty's service. The House must consider that it was hardly possible for it to agree to that Resolution, naming that illustrious individual in the mildest terms, without its being considered as a heavy censure on the part of this House. He had collected from the hon. Member for Lancashire, that there were persons disposed to come forward, and to give evidence to show, that the opinions of his royal Highness the Duke of Cumberland were repugnant to the formation of lodges in the army. He (Lord John Russell) was not disposed to come to a Resolution touching the conduct of any individual, if it could be said, that that individual had not been fairly heard, or if that individual wished to make any defence or explanation. He thought that with regard to his royal Highness the Duke of Cumberland that opportunity of explanation had not been fully afforded, and therefore he thought the House ought not to come to anything more than a general Resolution on the subject. He objected to the Resolution being adopted without giving some notice to his royal Highness of the debates which had taken place on his conduct as Grand Master. With this opinion, therefore, and at once admitting, that he was ready to agree to those Resolutions which concerned the Constitution and the introduction of Orange Lodges into the army, he was disposed to recommend that the further discussion of the question should be postponed for some days, in order that, if any evidence should be tendered before the Committee with reference to this subject, that the Committee should have an opportunity of receiving and furnishing it to this House. With respect generally to the evidence which related to the army, he understood it was fully closed, and therefore there could be no objection to agree to an Address to the Crown on that head. He should not now enter into the manner in which the Orange Societies affected the peace of Ireland, and as to the manner in which they affected and weakened the authority of the Crown, and interrupted the course of justice, that was unhappily too well known, for it had been shown, nay avowed, by one of the officers of these societies, that money had been sent down to defend prisoners against—what the House would be surprised to hear—Government prosecutions. But with respect to all that part of the subject he should not now deal, for it was one of those important questions, containing the roots of the evils which constituted the miseries of Ireland, and which spread fast and far over the land. In another Session, he thought it must be a subject for the deep and anxious consideration of both Houses of Parliament. In the mean time the Government would anxiously endeavour to maintain the authority of the Crown, to protect the due course of law, and to save the people of Ireland themselves from contamination and dishonour.

Mr. *Wilson Patten* was understood to concur in the view taken by the noble Lord opposite. He had done his duty in conformity with the wishes of the Committee by submitting his Amendment to the House.

Mr. *Sheil* said, after what had fallen from the noble Lord, the Member for Stroud, he should move, that the debate be adjourned until Tuesday next.

Mr. *Hume* begged, before the question of adjournment was put, to state that nothing could be more consonant with his wishes than the view which had been taken by the noble Lord at the head of the Home Department. If any intimation had been given to him that an opportunity for explanation should be given to the illustrious personage, he should not have named the illustrious Duke in his resolutions. He, however, fully concurred in the justice and propriety of the noble Lord's proposal.

The Speaker put the question of adjournment.

Sir *Robert Peel* rose and said, he was most anxious now to state very shortly to the House the view which he had taken of this question, because on Tuesday next he might perchance not have the opportunity of stating the conclusion to which he had come upon the question, previous to the speech made by the noble Lord opposite, and to which conclusion notwithstanding that speech, he was still inclined to adhere. He had understood the object of the special Report of this Committee had been confined to the matter of the existence of Orange Lodges in the army; and he thought it would have been better if the resolutions and debate had been confined to the military question alone. He thought it was premature, when further evidence was to be had, for the House to enter into resolutions when the whole of the evidence taken, or to be taken, by the Committee was not before it. His construction of the resolutions was very different from that put upon them by the noble Lord. He thought the first six or seven resolutions referred to the institution of Orange Lodges generally, and their civil consequences, and the last three or four he understood to refer to Orange Lodges in connexion with military discipline. He should be disposed in the first place to urge the postponement of the general question, on the ground that the Report was not complete, but, without any distinction, he must on other grounds protest against the House acquiescing in these resolutions. These resolutions consisted of a mere declaration of fact—without expressing any opinion—without stating any expectation—that a law would be brought in to check such practices; and yet they concluded with a declaration that along with the evidence taken before the Committee they should be laid before his Majesty. Now this was a novel course for the House to pursue; he meant to come to resolutions of fact, and to lay them before his Majesty without any opinion of the House thereupon. What was the answer which the Crown could give in reply? The Crown could not pledge its acquiescence to the opinion of the House, for the House had expressed none. This, therefore, was an inexpedient and an ineffectual course, and he had expected that the noble Lord would have had the moral courage to make a statement to that effect. If the noble Lord meant to state that it was necessary to have an explanation of the constitution of Orange Lodges as a preliminary groundwork for other proceedings, that would alter the effect of the resolutions, and would diminish his objection to assenting to them. But in that case the Resolutions should be nothing but explanatory. It was indifferent to him what course the House might be inclined to pursue, but still he must say that the course now adopted was novel, consider-that there was not a sufficient statement of the premises on which it was founded. He hoped that the House, before it affirmed these resolutions would be certain of the accuracy of the premises on which it was based. [" *Oh! Oh!*]. "If the hon. Gentleman is tired," said Sir Robert Peel, "who makes these interruptions, he may retire, He has no right to interrupt me in my address to the House. I have already said, that I will not take any advantage of a number of hon. Members having left the House under the impression that no division will take place to-night upon this Motion. No man who knows anything of my Parliamentary conduct for many years now past, has a right to say that I am likely to take any unfair advantage of my political opponents. I am not the man to take an unfair advantage of any accidental conduct on the part of my political opponents to insure to myself a mere temporary triumph; and my consciousness of that fact induces me to say that any man who is tired of my observations had better to retire, and leave our debates to proceed without interruption. The right hon. Gentleman proceeded to state, that with respect to the connexion and interference of the Orange Lodges with the military discipline of the army, he had no hesitation in condemning it in as strong language as any that had been used by hon. Gentlemen on the other side of the House. The existence of such societies, as secret societies, must be unknown to the officers of the regiment in which they were formed, and, being unknown to them, must be subversive of all military discipline and subordination. It led, of necessity, to the formation of other societies of an opposite political character. Whether such societies were known under the denomination of Orange Lodges or any other denomination, it was impossible to defend their existence. He had been prepared to take a course which he thought would have closed these proceedings without much difficulty. He had thought that the noble Lord would have proposed that the evidence taken before the Committee should be presented to the Crown; and that he would then have asked the Crown to institute an inquiry into the existence of Orange Lodges in the army. He thought that their existence at present was not sufficiently notorious. If any of the facts asserted in these Resolutions were incorrect, the House of Commons must be responsible for that incorrectness. In his opinion hon. Members ought to examine the wording of these Resolutions with great circumspection in order to be certain that they were borne out by evidence in affirming them. For undoubtedly it lowered the character of the House of Commons to affirm resolutions without being master of the facts upon which they were grounded. He would call the attention of hon. Gentlemen to the seventh Resolution, which affirmed—"That it appears by the books of the Grand Lodge of Ireland, produced by its Deputy Grand Secretary before the Select Committee of this House, that the undermentioned warrants for constituting and holding Orange Lodges have been issued to non-commisioned officers and privates of the following regiments of cavalry and of infantry of the line, at home and abroad; to non-commissioned officers of the staff of several militia regiments; to members of other corps, and to the police." Then came proofs of the allegations in detail, extending to every regiment. The allegations as to the regiments were affirmed by proof, but there was no proof as to the existence of such Lodges among the police.

Mr. *Hume* (interrupting).—I stated facts, which it is impossible to contradict respecting the formation of Orange Lodges among the Limerick Police.

Sir *Robert Peel;* The hon. Member has also made the same charges against "other corps," as, for instance, the Sappers and Miners.

Mr. *Hume:* Yes, and I proved it by reference to the evidence of Francis Kennedy.

Sir *Robert Peel:* The officer in command at Malta denies it *in toto.*

Mr. *Hume* Let him deny it again, if he pleases. I produced the certificate and number of the lodge held at Malta, and the right hon. Baronet, had he been in the House, might have seen it.

Sir *Robert Peel,* If you can establish that fact, I say at once that I have no objection to agree to this Resolution. But when, as his notorious, nine-tenths of the House which I am now addressing have not examined the evidence taken before this Committee, there is a great inconvenience in affirming such a resolution as that to which I have been adverting.

Mr. *Hume*: I copied out with my own hand the parts of the evidence which advert to this Resolution; and to prevent the possibility of any mistake, I cut out part of the evidence which is in print, and attached it to my Resolutions.

Sir *Robert Peel*: When I am called upon to affirm facts which implicate thirty regiments, I should have certain and irrefragable evidence that such a formal Resolution is not open to objection on account of its inaccuracy. Suppose, for instance, we had affirmed this Resolution as to the colonies. It had been shown that evening, and fortunately in time, that the assertion of such a princip would have been incorrect. Had hon. Gentlemen taken the trouble of considering that this was an inconvenience to whch the House ought not to be exposed? The course which he would acquiesce in was this; he would vote for a general Resolution descriptive of the constitution of the Orange Lodges—in a word for that Resolution which had formed the groundwork of the second Resolution moved by the hon. Gentleman, and which would answer every purpose contemplated by the hon. Member for Middlesex. He should then be prepared to acquiesce in the Motion, that an humble Address be presented to his Majesty, praying that he would be graciously pleased to allow evidence which had been taken to be laid before him. He should then have been prepared to acquiesce in a resolution that his Majesty be pleased to direct his Royal attention (that by-the-by was a new form of Address) to the nature and extent of the formation of Orange Lodges in his Majesty's army.

Mr. *Hume*: That would be dictation to his Majesty.

Sir *Robert Peel* was aware that it was quite impossible that loyalty so sensitive as that of the hon. Gentleman could easily be satisfied. In future, when he heard any reflection cast upon the hon. Member for Middlesex, either for want of loyalty or for want of decorum, he should always be ready to state that when he had proposed to ask the Crown to grant a certain species of inquiry, the hon. Member had significantly shaken his head and cried out "No, no," and declared that such a course of proceeding would be dictating to his Majesty. He acquiesced in the Motion of the hon. Member calling for the number of the lodges in which these warrants had been registered, and must concur with him in asking how these warrants had reached registration. He should protest against any special reference to the conduct of the Duke of Cumberland, and yet he should not desire to exempt that illustrious Duke from an inquiry instituted by the Crown. He thought that the objection of the noble Lord was well founded, and that it was impossible to name any individual in these Resolutions without implying some censure upon him. Now, to imply censure on persons who had not been heard in their defence, was clearly inconsistent with justice. At the same time, he would say, that the course pursued by the noble Lord was also open to objection. The noble Lord had proposed a short adjournment of the Debate, as if to give the Duke of Cumberland an opportunity of vindicating himself from the charges brought against him. Now, if that proposition were founded on the ground that the House was not in a condition to decide on the course which it ought to pursue, he had no objection to make against it. He trusted that that was the ground on which the noble Lord had put this question. He thought, however, that the mere proposal of giving the Duke of Cumberland an opportunity of going before the Committee to vindicate himself, implied a degree of censure against that illustrious individual. He confessed that he was prepared for one of two courses—either to continue to the present Committee the power of making the inquiries which they were now instituting, or to postpone it altogether. An hon. Gentleman had said, that he had no objection to extend this inquiry to the examination of the existence of Orange Lodges in England, and he would make no objection to such a proceeding. He had heard with great satisfaction, the opinion, that the result of this examination would be to provide for the termination of all Societies of this character. Such a conclusion would be most satisfactory. He, therefore, hoped that all persons of influence would exert themselves to counsel the abandonment of these institutions. He admitted that no good purpose would be served by Orange Societies, but he was not prepared to sanction a string of Resolutions condemning them on imperfect evidence. He never recollected such a course as that of the hon. Member for Middlesex, who supplied everything from his own Report which tended to support his Resolutions. If there were Orange Lodges in the army, that was in his opinion, ground for a

Special Report. But to propose a regular string of Resolutions, without one tittle of proof to confirm them, was a course not hitherto warranted by Parliament. He was not ready, however, to oppose the Question of Adjournment. In conclusion, the right hon. Baronet stated, that he would not acquiesce in any Resolution which in the present state of things implied censure on any party whatever.

Viscount *Howick* contended that the existence of Orange Lodges in the army was contrary to the orders of the army, and was a subject that must undergo immediate inquiry. In order to show how anxious Lord Hill was on the point, he would read to the House a letter written by his direction to Sir Edward Blakeney, now commander of the troops in Ireland. Letters to the same effect had also been addressed to the senior officer of the district in which the King's Dragoon Guards were stationed, and to the Major-General commanding in Scotland. On the 30th of July, he had received a letter from Lord Hill, communicating those facts, which he would read to the House. The letter addressed to him was as follows:—

Horse Guards, 30th July, 1835.

My Lord,—I have had the honour to receive your Lordship's letter of the 27th instant, transmitting the copy of a letter which you had received from Mr. Hume, on the subject of the asserted existence of Orange Lodges in some of the regiments now quartered in Ireland.

I have, in consequence, caused the letters, of which the inclosed are copies, to be addressed to Sir Edward Blakeney, who is in temporary charge of the troops in Ireland, to the senior officer of the district in which the King's Dragoon Guards are stationed in England, and to the Major-General commanding in Scotland, it appearing that the dépôt of the 64th, which had been for some time under orders for North Britain, had actually arrived there from Ireland.

I will take care to forward the reports of these officers to your Lordship, as soon as they reach me, and, in the mean time, I think it right to state, that Lieutenant-Colonel Dixon, who is mentioned in Mr. Hume's letter, exchanged to the 40th regiment more than three years ago, and is now serving at Bombay.

I have, &c.
(Signed) Hill.

He would also read to the House, in order to show how anxious Lord Hill was that the proper inquiries should be instituted, in order to preserve the regulations of the service, the letter addressed by his command to Sir Edward Blakeney.

Horse Guards, 29th July, 1835.

Sir—By Lord Hill's command, I have the honour herewith to transmit to you a letter and inclosure, which his Lordship has just received from the Secretary-at-War, whereby it appears that, in evidence taken before a Committee of the House of Commons, it is stated that Orange Lodges have existed, or exist, in the regiments specified in the margin,* in disobedience of the orders contained in the circular confidential letters issued from this department, under date the 1st of July, 1822, and the 14th of November, 1829. His Lordship desires that, immediately on receipt hereof, you direct the respective General Officers commanding the districts in which these regiments are at present stationed, to inquire into the circumstance represented by Mr. Hume in his letter to Lord Howick. The General Officers concerned are to call before them, and personally examine, the men named in Mr. Hume's letter, taking every possible means in the course of such examination to ascertain at whose instance the Orange Lodge was formed, if formed at all, whether any diploma was issued for the purpose, and by whom—whether any and what portion of the regiment was concerned in keeping the feeling of Orange party alive in the regiment—and in short, every circumstance that can tend, in any degree, however remotely or collaterally, to throw light upon a subject to which so much importance is attached.

You will be pleased to take this occasion to communicate instantly with every regiment and dépôt under your command, and to ascertain for Lord Hill's information, how far the prohibitory orders issued against Orange Lodges have been infringed upon or disobeyed, and should you, in the course of these references and investigations, discover that these orders have in any instance been disobeyed by any Officer whatever, you will report him at once to the General Commander-in-Chief, in order to his being duly called to account for his conduct.

As Lieutenant-Colonel Dixon is now with the 40th regiment in India, and as the 64th regiment is in Jamaica, you can only, for the present, refer to the dépôt of the last mentioned regiment for such particulars as its Commanding Officer may be able to furnish touching the Orange Lodge which is thus said to have existed in that regiment.

I have only to add, that Lord Hill will be impatient to receive your reports, and those of the General Officers of districts, in consequence of these institutions.

I have, &c.,
(Signed) John Macdonald, A. G.

From this letter the noble Viscount said, it appeared that no means had been left untried to institute an inquiry into the formation of Orange Lodges in the army. He must also remark, that it did not appear to him that an inquiry into this subject conducted by military authority was all that was required. Such an inquiry could scarcely by any means within the command of the Horse Guards extend beyond the officers and soldiers now serving, and if such persons were to be punished for holding Orange Lodges, it was quite evident that the House must inquire into the circumstance of warrants having been issued for the holding of such Lodges, bearing the signatures of persons high in rank, and especially of his Royal Highness Ernest Duke of Cumberland. Now, in assenting to the Motion of adjournment, the House did nothing implying a censure on that illustrious Prince, in absence of all explanation on his part. At the same time, he must say, that it would not have done for the House to have gone into an inquiry on this subject without adjournment, and without giving his Royal Highness an opportunity of making that explanation which the facts appeared to require. It appeared to him that the course proposed by his noble Friend was the best that the House could adopt, without prejudging the Question. His noble Friend proposed, that the hon. Member for Middlesex should omit those Resolutions which related to the military part of the subject, and that having done so, it would be necessary for the House to state hereafter the opinions which it would sanction.

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* 15th Hussars. Royals (2nd Battalion), 64th Regiment.

The further debate postponed to Tuesday next.

HOUSE OF LORDS,
Wednesday, August 5, 1835.

Minutes.] Bills. Read a second time:—Registrars' Office Improvement; Court of Bankruptcy Fund.

Petitions presented. By the Duke of Richmond, from Irvine, for Protection to the Church of Scotland, and for further Accommodation in Scotch Churches.—By a Noble Peer, from Kirrimuir, for a Reform of all Abuses in the Church of Scotland.—By the Marquess of Tavistock, from Worcester, against the Prisoners' Defence Bill.—By the Earl of Sefton, from Liverpool, Lord Brougham, from Deal, and Lord Poltimore, from South Molton, in favour of,—and by Lords Lyndhurst and Wharncliffe, from Kingston-upon-Hull and Ludlow, against the Municipal Corporations' Bill.

Corporation Reform.] The Lords again heard evidence on the subject of the Corporation Reform Bill, and the further consideration of the subject was postponed till the following day.

HOUSE OF LORDS,
Thursday, August 6, 1835.

Minutes.] Petitions presented. By the Duke of Wellington, from Sandwich, against the Municipal Corporations' Bill.—By the Marquess of Bredalbane, from several Places, for Protection to the Church of Scotland, and for further Accommodation to Scotch Churches.—By the Duke of Richmond, from several Places, against any Alteration in the Timber Duties.—By Lord Bexley, from Hatfield, Peveril, and Witham, against Allowing Beer to be drunk on the Premises of Beer Shops.—By the Earl of Wicklow, from the City of Waterford, against Assizes' Removal (Ireland) Bill.

Corporation Reform.] The Peers again heard evidence against the Corporation Reform Bill, and again adjourned the consideration till the following day.

HOUSE OF COMMONS,
Thursday, August 6, 1835.

Minutes.] Petitions presented. By Lord Clements, from the Grand Jury of Leitrim, for rendering the Shannon navigable.—By Mr. Williams, from Abergavenny, for the Repeal of the Duty on Newspaper Stamps.—By Sir Robert Peel, from several Colleges at Aberdeen, against the Aberdeen University Bill; from the Grand Jury of Limerick, against the Church of Ireland Bill; from three Places, for Protection to the Protestant Church of Ireland; from Paisley and other Places, for Protection to the Church of Scotland; from Dundee and Anstruther Wester, against the Royal Burghs' Convention Bill.—By Mr. Lechmere Charlton, from West Scull, for the Better Observance of the Sabbath.

Orange Lodges.] Mr. *Wilson Patten* brought up the third Report of the Select Committee on Orange Lodges, and in moving that it be printed said, that the Committee had, in obedience to the wish expressed by the House, when the Motion of the hon. Member for Middlesex was adjourned to enable the Committee to receive further evidence upon particular facts, called two or three witnesses before them, amongst whom was the Adjutant-General of the Forces, who had been examined that day. He (Mr. Patten) had also to state, that he had received a letter on the subject from his Royal Highness the Duke of Cumberland. That letter the Committee had added to their Report, in order that it might be printed and in the hands of hon. Members, as early as Monday morning, which would be much sooner than the whole of the evidence could be printed.

Mr. *Hume* inquired whether it was the intention of the Committee to continue their inquiries, or whether this was a final Report.

Mr. *Wilson Patten* said, that the case on both sides was now considered to be closed, and that the Committee did not contemplate making any Report, but intended to content themselves with laying the whole of the evidence on the Table, and thus leave the matter in the hands of the House.

Mr. *Hume:* Perhaps the hon. Member can inform me whether the inquiry has been limited to Ireland, or whether it has included the Orange Lodges in England?

Mr. *Wilson Patten:* They were thought to be distinct subjects. The existence of Orange Lodges in Ireland was the subject referred to the Committee.

Mr. *Wallace:* I have two questions to put to the hon. Member—first, whether any questions were asked as to the Orange Lodges in Scotland, and who was their Grand Master?—and, second, whether it is true that there are officers in the army who are members of Orange Lodges?

Mr. *Wilson Patten:* I do not know whether the Duke of Cumberland, under the words Imperial Grand Master, is to be considered Grand Master of the Orange Lodges of the empire; but I cannot call to mind that any particular evidence was taken regarding Orange Lodges in Scotland. As to the question whether any officers are members, I think there appear among the officers of the institution gentlemen who are in the army. The Grand Treasurer is, I believe, an officer in the army. I do not know whether he holds a commission now, but he was in the army.

Mr. *Wallace:* I beg to know if there is any objection to publishing the names of the officers, that we may have them before Monday? Officers, non-commissioned officers, and privates will then be on the same footing.

Mr. *Finch:* I rise to correct a mistake; there is no proof of officers being in connexion with Lodges, whether on half or on full pay.

Mr. Wallace was about to speak again, when he was informed by the Speaker that there was no Question before the House.

The subject was dropped.

GREAT YARMOUTH.] Lord *Francis Egerton* reported from the Great Yarmouth Committee, that three witnesses summoned, viz., William Green, Edward Latham, and E. H. L. Preston, had refused to appear, on the ground that, having received a certain notice, they considered themselves defendants in the case.

The Report having been brought up,

Lord *Francis Egerton* remarked that, on former occasions, the parties had been ordered to attend next day, but, as they were ready to appear he should move that they be brought to the Bar forthwith.

Mr. E. Harbord Lushington Preston was called to the Bar, and interrogated by the Speaker:—He said that he had been summoned before the Committee on Great Yarmouth, but that he had refused to answer any questions put to him, on the grounds that he had received a notice signed by the agents for the petitioners, stating that the examination into the case of Great Yarmouth "might affect him with imputations of bribery, or with aiding and assisting in the commission of bribery or treating, or with somewhat of the offences mentioned in the petition." Accusations had also been made against him (the witness) before the Committee, and he, therefore, humbly contended that, according to the laws of the land, with which he was somewhat acquainted, he could not be called upon to give evidence against himself.

Are these the only reasons why you refuse?—They are the only reasons.

Mr. *Hume:* Have you any objection to answer questions as to matters in which you are not personally interested?—I contend that I cannot be called upon to answer any questions, inasmuch as I am not a witness, but a defendant.

Mr. *O'Connell:* Then whether the question affects you or not, you refuse to answer?—I do.

Mr. *Praed:* You conceive that every question must affect you. Do you conceive, as a defendant, that the whole case affects you?—Most decidedly.

Mr. *O'Connell:* Do you mean to say that the case affects nobody else?—I mean to say that I refuse to answer, because the case affects myself. But if the question does not in any way affect yourself, do you refuse to answer?—Am I to be the judge whether it affects me or not? Nobody else can judge.—I should be sorry to impugn the authority of the House, but I think I cannot be called upon as a witness in a case where I am *de facto* a defendant. Has any action been brought against you?—No; but accusations have been made. Suppose the question not to relate to those accusations, but to be wholly disconnected, do you still refuse to answer?—It is impossible that they can be disconnected. Suppose that they should be so, do you still refuse?—I humbly submit that I stand here as a defendant.

You stand there to answer the questions put to you. You are not, nor is any man entitled to contemn the authority of the House; therefore, as a Member of the House, I ask the question?—I stand on the ground I before stated. As I said before, I should be extremely sorry to impugn the authority of this House; at the same time I must contend that I stand here as defendant in a case in which accusations have been brought against me, and that no question on the subject of those accusations can be put to me without implicating me in them. I hardly understand what your answer means: tell me, does it mean that, though the question should not affect yourself, and should not operate as an accusation against yourself, you still refuse to answer it? Now, answer that question, yes or no. Do you understand my question?—All I can say is, that I decline to answer any question put to me by the Election Committee for the borough of Great Yarmouth.

Mr. *Cutlar Fergusson:* Was any question at all put to you by that Committee? — Yes, there was. What was it?

Mr. *Tancred:* Was the question put to you this—"Are you a voter for the borough of Great Yarmouth?"—It was.

Mr. *Cutlar Fergusson:* Did you refuse to answer that question?—I did not refuse to answer it on the ground of crimination, but on the ground that I could not be called as a witness in a case where I had been accused. On these grounds I beg to state to the Committee that I considered myself justified in refusing to answer the question.

The witness having been directed to withdraw,

Mr. *O'Connell* said, I think I am bound to move now, Sir, that this witness be committed, in custody, to Newgate.

The *Solicitor-General* very much regretted that they had not, on that occasion, the advantage of the presence of his hon. and learned Friend the Attorney-General, because the question before the House was one which involved a very important principle, and one, considering the degree of party excitement which necessarily existed under such circumstances, on which it was extremely important they should come to a final determination with perfect calmness and impartiality. Having said thus much, he must beg to state, candidly and fairly, that in his opinion, and according to his view of the law, the witness was justified in refusing to answer the questions of the Committee. He would state why he thought the witness was justified. He did not think the present case at all similar to the case of the witness Prentice. Prentice was called before the Committee, and answered a great number of questions, with reference to his liability to answer which he (the Solicitor-General) would express no opinion whatever. Having answered a variety of questions, one question was put to Prentice, which, in his opinion, neither directly nor indirectly, did tend or could tend, to connect him with any guilt whatever; and it certainly did not appear to him that a witness, having answered other questions (his liability to answer which, he again said, formed no point of consideration at present), could protect himself, or claim protection from answering a particular kind of question, merely because it might be followed by another, his replying to which would involve his own inculpation. On that ground he had voted, and voted with a perfect conviction of the propriety of the proceeding, for the committal of Prentice to Newgate. What, however, were the circumstances of the present case? Here was a witness called before a Committee, the very object of which was to inquire, among other things, into the propriety of prosecuting that very individual. Well, it might not be in view to prosecute him, but it was impossible not to feel that that might be the result; and as the result of the inquiry might be the commencement of a prosecution against any of the parties implicated in the supposed bribery, he did think it was the hardest proceeding he had ever heard suggested, to call a person there to say to him, "Now we are going to examine you. Take notice, that evidence may be adduced which will render you liable to a prosecution for bribery, and that you may be implicated by the very evidence we seek to obtain;" and then to punish him for refusing to give evidence on that ground. He would say, on every principle of law, that as a party was not bound to answer any questions tending to criminate himself, so neither was he called upon to answer any questions whatever, put by a tribunal, the very object of which was to prove his own guilt. It appeared to him to be an argument *a fortiori*, that if a witness were privileged against answering a question which might criminate himself, he was not bound to answer other questions, the very object of the inquiry by the tribunal from which they emanated, being to involve him in guilt. Suppose the case of a bill of indictment for misdemeanour before a Grand Jury. Suppose one of the parties implicated by the indictment were brought up, and addressed thus:—"So far as these questions criminate you do not answer them—they criminate other invividuals; do you object to answer as far as they are concerned?" If he were placed in such a situation, he should certainly decline to answer a single word. He would say, that he sincerely regretted that on a point of law, with which his hon. and learned Friend, the Attorney-General, was more familiar than himself, he had not the advantage of his assistance; he believed, nevertheless, from conversations he had had with him on the subject of the witness Prentice, that had his hon. and learned Friend been present this would have been his opinion. Not thinking that Gentleman now at the Bar could with justice be called upon to answer the questions of the Committee, he should decidedly vote against his being committed to Newgate.

Mr. *Hume:* There might be, in Courts of Law, technicalities with which he was unacquainted; but the rule laid down by the hon. and learned Gentleman seemed to him calculated to produce but one result—namely, to render all inquiries by that House utterly fruitless. It would only be necessary for an agent to give notice to every person who might be examined as a witness in a bribery-case that his reply might criminate himself, to render the inquiry wholly useless, and to set the power of the House at defiance.

Mr. *O'Connell* had never heard anything in that House with half the astonishment with which he had listened to what had just fallen from the hon. and learned Gentleman. He could not express the surprise with which he saw the hon. and learned Gentleman, a law-officer of the Crown, coming forward to state, as he had done, that a witness might be protected from giving evidence, without stating any one ground or principle of law for that protection. They all understood the ground—the legal ground—that a man was not bound to convict himself. That was law—perhaps, it was not common sense. It relaxed the administration of justice exceedingly. Why should not a man criminate himself? Whom did he protect? Was it the innocent? No; he could not protect the innocent, but he could protect the guilty. Did the witness come within that rule of law? He did not; he took no such ground at all. He did not; he took this ground; that a certain notice had been served upon him. He supposed the agents would not be criminal enough to draw up such a notice on their own motion. He believed it originated with the Committee, as many strange things sometimes did. Now, after all, what was the effect of this notice? A caution to the witness not to criminate himself; and the moment any question was put to him which had the least tendency to criminate himself, he might take that ground, and refuse to answer it. This was the broad ground for the witness to take, and the notice did nothing but call upon him to take this broad ground. But the witness did not take it; he was not protecting himself; he was not avoiding criminating himself, but was avoiding criminating others. He had lately spoken of the feeling they ought all to entertain against bribery, and he had been taunted as if he had imputed it to that (the Opposition) side of the House. He had done no such thing; nor should he impute the wish to protect witnesses from disclosing bribery to that side of the House, after what he had just heard. As a representative of the people, he had heard with the utmost astonishment—he would say with horror—the opinions given by the hon. and learned Solicitor-General.

Mr. *Tancred* hoped that as a member of the Committee, the House would allow him to state as correctly as he could, the circumstances under which the notice in question originated. On the first day the Committee met, the hon. and learned Member for Cardiff moved a string of resolutions in compliance with one of which a degree of superabundant caution was observed, and a notice was ordered to be drawn up, and served upon every person who, in the widest possible range, the agent for the petitioners thought might be in any way whatever criminated. He believed the agent was required by the strict terms of the Resolution, to give notice to no fewer than three hundred persons. The object of the Committee was, that those individuals might attend in person (as the gentleman who had just left the Bar had done), or by their agents, to watch the progress of the evidence, and see whether any part of it in the slightest degree implicated them, and rendered it necessary for them to refuse answering the questions put to them. He had no hesitation in now stating confidently, in the presence of the members of that Committee, that two or three gentlemen thought fit to interpret it as constituting them defendants. The noble Chairman of the Committee had repeatedly said to every witness produced—"Witness, you are not bound in any way whatever to criminate yourself; and in any question that occurs having that tendency, you have only to throw yourself upon the Committee for protection, and they will judge of it, and tell you whether it shall be put or not" A person of the name of Green, he believed, had declined to answer on the ground that the notice constituted him a defendant, and his example had been followed by the gentleman who had just left the Bar. For his own part, he confessed he was disposed to consider the notice an injudicious one, as he had formed the same opinion of the resolutions on which it was founded. He hoped, however, as the Committee had simply intended to act with the greatest possible caution and leniency to all those whom they had called before it, the result would not be to afford any improper or unnecessary protection.

Mr. *Charles Barclay* thought that the parties very naturally declined to answer the questions of the Committee, because they did not know whether their evidence, combined with that of others, might not lead to their being convicted for bribery. He should certainly vote against the Motion for the committal of this gentleman to Newgate.

Dr. *Nichol* said, that he had copied the Resolutions which had been referred to by the hon. Member opposite (Mr. Tancred) *verbatim et literatim* from the Bill introduced by the noble Lord the Member for Stroud (Lord John Russell) in 1833, but they had been rendered rather more extensive by a Motion of the hon. Member for Durham (Mr. Pease); if the agents had limited the service merely to those persons against whom they knew they had evidence, however, there would have been no difficulty in the case. He had merely risen to state this fact, and not to express any opinion on the propriety of the witness answering or refusing to answer the questions of the Committee.

Mr. *Pease*, in extending the Resolutions to which the hon. and learned Gentleman had referred, had no intention of placing any party in the situation of defendant, but as the question at issue was one which peculiarly affected the liberty of the country and privileges of the House, he was peculiarly anxious that the Report of the Committee should be founded upon evidence taken with the utmost vigilance and caution.

Mr. *Cutlar Fergusson* was compelled to dissent, though with the utmost diffidence, from the opinion which had been given by his hon. and learned Friend, the Solicitor-General. For that opinion he accounted by the circumstance that the hon. and learned Gentleman was more accustomed to Courts of Equity than Courts of Law. No witness in a court of law was ever protected from being examined at all. The witness did not object to a particular question, but refused to be examined at all, on the ground that he might criminate himself. But it was said that this witness stood in the position of a defendant. If so, if persons could be made defendants by the notice which had been given, the Committee of that House would be unable to go on with their proceedings, and their doors might as well be closed at once. This was the notice:—"Take notice, that the evidence which you intend to give before the Select Committee to whom the petition from Great Yarmouth is referred, may affect you with the imputation of bribery, or of being a party aiding and a sisting in the commission of bribery, or of one of the offences mentioned in the Act of Parliament relating to elections." This notice was, he contended, to be considered as a Proclamation and certainly not as an indictment. The question, "Are you a voter?" could not possibly subject the witness to any imputation of bribery; but the witness objected to it on the general principle that he had no right to answer at all. This principle could not, however, be maintained. Many questions which would not subject the witness to any charge, might be put to him. Whether the witness was bound to answer those questions, supposing the witness objected to them on the ground of tending to criminate himself, was for the House and not for the witness to decide.

Mr. *Hardy* would ask whether the House was prepared to differ from those leading rules by which the proceedings in Courts of Law were agitated? If not, let them inquire what were those leading principles—what they were, as applicable to the case before them? Now, he had been so fortunate as to meet with a case directly in point. On the trial of a gentleman, who had shot his antagonist in a duel, for murder, Captain Denifort was called on the part of the prosecution, but he refused to be examined, on the ground that a report had gone forth to the effect that he had been second to one of the parties in the duel. Sergeant Adair said, he might give his evidence with perfect security, for if any proceedings were instituted the Attorney-General would most assuredly be directed to enter a writ staying them. Mr. Justice Lawrence and Mr. Justice Rooke took time to consider the point, and then gave their deliberate judgment, that Captain Denifort might if he chose state the whole truth, but if he did they could not protect him from subsequent proceedings, and it was, therefore, for him to decide whether he would give his evidence, as most undoubtedly he could not be compelled to give it. The Captain did not give his evidence, and the prisoner was acquitted. There could not, he thought, be a case more applicable to the matter under consideration.

The *Chancellor of the Exchequer* agreed with his hon. and learned Friend, the Member for Kirkcudbright (Mr. C. Fergusson). The discovery of truth was the great principle of these proceedings, but if they admitted the argument of the hon. number who had just sat down, there would be an end to that principle. The vague apprehensions of the witness were not to be a bar to all inquiry. When the witness was really placed in a situation in which he might criminate himself, it was then for the House to interfere, and extend to him their protection. The preliminary objection which had been taken by the witness was quite unheard of. In Courts of Law no witness was allowed to refuse the answering of questions before he had been examined at all, or before it had been considered whether the questions put were such as were likely to criminate himself. When such important inquiries were instituted it was proper that they should be conducted with strict impartiality and efficiency, but that could not be the case if these objections were sustained. If a witness were allowed the privilege which this witness claimed, the House would virtually transfer to the witness the office of Judge. It was not for the witness, but for the Judge, to decide what questions were, and what were not, requisite to be answered. The hon. Member for Bradford had drawn an analogy between the rules of a Court of Law and of that House. He had, however, lost sight of an important distinction. Whatever might be done with the note of a witness's evidence in a Court of Law it was clear that the shorthand writer's notes of the witness's evidence in that House could not be made the basis of a prosecution without the sanction of that House.

Mr. *Shaw* begged to ask what was the position in which the witness placed himself? If there was any allegation that this notice had been served upon the witness by a favourable party, in order that the witness might object to giving evidence, his position would be very different. The fact, however, was, that this notice was served upon him by agents of the opposite party. He, therefore, stood in the condition of an accused person, and, standing in that condition, his objection was in accordance with the principles of British law and British justice. He had no doubt upon the matter, and he could not but express his admiration of the fair and candid manner in which the Solicitor-General had given his opinion.

Sir *Robert Inglis* entirely concurred in the opinion expressed by the hon. and learned Solicitor-General. He begged to ask his Majesty's Ministers whether they were or were not prepared, to take the opinion of their legal advisers in preference to any other legal authority in that House. He would ask his noble Friend whether he placed his confidence in the legal advisers of the Crown or in the opinions of any other individuals.

Mr. Sergeant *Wilde* said, his opinion was that the witness had been premature in his objection. The Committee were engaged not in considering an individual case, but several, and therefore the witness might give, respecting other parties, much important evidence, which would not criminate himself. As to the case mentioned by the hon. Member for Bradford (Mr. Hardy), it should be recollected that in Courts of Law it was generally well known to the Counsel whether the witness would be asked questions tending to criminate himself, and the objection by the witness was, to save time, usually taken before sworn, it being conceded, and so understood by the Judge, that the questions which required answering might tend to criminate the proposed witness. But he had frequently heard Lord Tenterden say, when witnesses unexpectedly made the objection before being sworn, "Sir, you must be sworn, and on being asked any question which you apprehend will implicate you, you then can appeal to me." With regard to Captain Denifort, in the case mentioned, it had been previously proved that Captain Denifort was on the ground at the duel, and that there was every reason to believe he was the second. If such had not been the case it would follow that by the same rule every witness on being called upon to give evidence might say "My Lord, I have heard of a report being circulated that I was the second," and, therefore, every witness might be excused giving evidence. The impression that a witness who might be asked questions tending to criminate himself had a right to object to being examined at all was very common, and therefore he should recommend, not that the witness be harshly dealt with, and be committed to Newgate, but that he be called in and informed that he was mistaken, and that he must answer all questions which did not directly tend to criminate himself.

Mr. *Freshfield* said, that the doctrine laid down by the Solicitor-General had been always held to be law, and read from "Starkie on Evidence" the following extract:—"The witness might refuse to answer at all, on the ground that his answers might subject him to an indictment; but if he answered any questions then he was bound to disclose the whole truth.

Sir *Robert Peel* considered the question to be of such importance that he hoped the House would not come to a precipitate decision. It would be better that hon. Members and particularly hon. and learned Gentlemen should have an opportunity of considering the point, and referring to authorities. He himself wished for such an opportunity. As to the question whether, on the technical principles of the law, the witness could be justified in refusing to answer, the hon. and learned Solicitor-General had given his opinion that the objection of the witness was valid. Now, taking the personal opinions of the hon. and learned Gentleman apart from party, there was no man on whose judgment he would rely with greater confidence. But the hon. and learned Gentleman had further stated that he believed the Attorney-General's opinion was the same as his own. He entertained great respect for the opinion of both those hon. and learned Gentlemen, and having their authority in the present case he was unwilling to depart from it without due consideration. He did not, however, mean to assert that that House was to be bound by the technical rules of the Courts of law; all that he asked was, that they should not be called upon to give a positive opinion without having had sufficient time for deliberation. Of course, a discretionary power must be allowed to witnesses, when their answers to questions were likely to expose them to criminal proceedings. After the high legal author ties they had heard on the subject, he did not see how the House could agree to the motion to send the witness at once to Newgate. He for one, could not bring himself to consent to such a motion. He had no hesitation in saying, that after the notice the witness had served on him the House would commit an act of tyranny, if they sent him to Newgate. He suggested that the debate should be adjourned; and, in the mean time, all the documents on the subject could be placed in the hands of Members, and duly considered.

Lord *John Russell* admitted that it would be a great hardship, not to say injustice, to send this witness to Newgate, if they entertained any doubt as to the propriety of the course they were called upon to pursue. He had at first, taken the same view of the question as the Solicitor-General, that the notice that had been served on the witness was a notice to prepare for trial; but, it appeared to him on reflection that this was not the case. The House, certainly, was not strictly bound to follow the technical rules of the Courts of Law; but still they should hesitate before they committed this person to Newgate. He agreed in the suggestion of the hon. and learned Member for Newark, that the witness who objected to be examined should be told that he would be protected in his answer to any question which was likely to be injurious to him; but until such question were asked he was not protected. After the long discussion that had taken place, he thought this was the best course to adopt. He did not see any necessity to adjourn the question; but if that was the feeling of the House, he had no objection.

Lord *Francis Egerton* was of opinion that they should have before them the notice that had been served on the witness before they proceeded further. He could not give a decided opinion on the subject until then. He did not think, if they adopted the course recommended by the noble Lord, that it would be sufficient to tell the witness that they would protect him against the serious charges which might be brought against him.

Mr. *Wason* observed, that if a witness was to be allowed to refuse to answer a question because he supposed that it would be detrimental to him, a stop was put to all inquiry before Committees of this House. In his opinion the House was bound, in vindication of its own dignity, either to compel an answer or commit the witness.

Mr. *O'Connell* said, that he would withdraw his Motion; and propose instead of it, " That the witness should be called to the Bar, and informed by the Speaker that he was bound to answer all questions put to him by the Committee, not tending to criminate himself.

The original Motion withdrawn, and the amended Motion put.

The House divided.

Ayes 113; Noes 65; Majority 48.

The witness was ordered to attend at the Bar, when

The *Speaker* addressing him said: " Edward Lushington Preston, I am commanded by this House to admonish you that you are bound to submit to be examined by the Committee without prejudice to your right to object to any question the answer to which may tend to criminate yourself.

The witness withdrew.

List of the AYES.

Aglionby, H. A.
Astley, Sir J.
Attwood, T.
Baines, E.
Barnard, E. G.
Beauclerk Major
Benett, J.
Berkeley, Captain
Biddulph, Robert
Bish, T.
Blamire, W.
Bowring, Dr.
Brady, D. C.
Bridgman, H.
Brotherton, J.
Burton, H.
Buxton, T. F.
Callaghan, D.
Cooper, E.
Cowper, Hon. W. F.
Crawford, W.
Dillwyn, L. W.
Divett, E.
Dunlop, J.
Dykes, F.
Elphinstone, E.
Etwall, R.
Fellowes, Hon. N.
Fergusson, R. C.
Fielden, John
Finn, W. F.
Fitzsimon, N
Gaskell, D.
Gordon, R.
Grattan, H.
Grattan, J.
Grosvenor, Lord R.
Hall, B.
Hawkins, J. H.
Hawes, B.
Harvey, D. W.
Heathcote, R. B.
Hindley. C.
Hoskins, K.
Howard, P.
Hume, J.
Leader, J. P.
Lennox, Lord J. G.
Lennox, Lord A.
Lushington, C.
Lynch, A. H.
Martin, T.
M'Taggart, J,
Macleod, R.
Maule, Hon. Fox
Mangles, J.
Morpeth, Lord
Murray, J. A.
Musgrave, Sir R.
Nagle, Sir R.
O'Connell, D.
O'Connell, M.
O'Connell, M. J.
O'Connell, J.
O'Ferrall, R.
O' Loghlen, M.
Perrin, L.
Pechell, Capt.
Pease, J.
Philips, M.
Price, Sir Robert
Pryse, P.
Potter, R.
Poulter, J. S.
Phillipps, C. M.
Power, J.
Power, P.
Raphael, A.
Rice, Right Hon. S.
Roebuck, J. A.
Ronayne, D.
Russell, Lord J.
Ruthven, E. S.
Scholefield, J.
Seymour, Lord
Smith, B.
Smith, R. V.
Spiers, A. G.
Strutt, Ed.
Talbot, J. H.
Tancred, H. W.
Thompson, Colonel
Thomson, Rt. Hon. C.
Thornely, T.
Tooke, W.
Townly, R. G.
Troubridge, Sir T.
Tulke, C. A.
Villiers, C. P.
Wallace, R.
Wakley, T.
Walker, C. A.
Ward, H. G.
Wason, R.
Whalley, Sir S.
White, S.
Wilde, Sergeant
Williams, W. A.
Wilbraham, R. B.
Williams, Sir J.
Williams, W.
Wilks, J.
Wood, C.

TELLERS.

Stanley, E. G.
Ord, W. H.

List of the NOES.

Alsager, R.
Arbuthnot, Hn. H.
Baring, H.
Baring, T.
Baring, Hon. W.
Beckett, Sir J.
Bentinck, Lord G.
Bramston, T. W.
Buller, Sir J. Y.
Campbell, Sir H.
Canning, Rt. Hon. S.
Clerk, Sir G.
Codrington, Sir E.
Coote, Sir C.
Corry, Hon. H.
Dalbiac, Sir C.
Damer, Hon. G. D.
Darlington, Earl of
Dick, Quintin
Duffield, T.
Egerton, Lord F.
Entwistle, T.
Estcourt, T. G. B.
Fancourt, Major
Finch, G.
Forrester, Hn.G.C.W.
Forster, C. S.
Gaskell, J. Milnes
Gordon, W.
Hamilton, Lord C.
Hardy, J.
Houldsworth, T.
Inglis, Sir R. H. Bt.
Jones, W.
Kirk, P.
Lees, J. F.
Lefroy, Rt. Hon. T.
Lowther, Hon. H.
Maclean, D.
Miles, W. H.
Nicholl, J.
Peel, Rt. Hon. Sir R.
Pemberton, T.
Perceval, Colonel
Plumptre, J. P.
Praed, W. M.

Price, R.
Pringle, A.
Reid, Sir J. R.
Rolfe, Sir R. M.
Ross, C.
Sandon, Viscount
Shaw, Rt. Hon. F.
Somerset, Lord E.
Somerset, Lord G.
Stormont, Viscount
Thomas, Colonel
Twiss, H.
Vere, Sir C.
Vesey, T.
Walker, R.
Wall, C. B.
Walter, J.
Wilbraham, H. B.
Young, J.

TELLERS.

Freemantle, Sir T.
Freshfield, J. W.

Lord *John Russell* said, there were two other witnesses whose cases were similar, and he did not see any objection to the House taking the same course with respect to them.

The Motion that J. E. Lathom and William Green be put to the Bar was agreed to, and they were called in accordingly, and after a brief examination were admonished like Mr. Preston to answer the questions of the Committee, and ordered to withdraw.

Lord *Francis Egerton* said, it was now his duty to move that William Prentice be committed to his Majesty's gaol of Newgate.

Mr. *Hardy* said, he should move, as an Amendment, that William Prentice be brought to the Bar, with a view to his being admonished and discharged.

The *Solicitor-General* said, that the question now lay within a very narrow compass. It would be recollected that a full House had decided, by a majority of three to one, that the question which Mr. Prentice objected to he was bound to answer. The House came to a resolution to that effect, and dealt comparatively leniently with him by directing that he should be committed to the custody of the Sergeant-at-Arms, instead of sending him to Newgate. The House took this course *non constat*, that he would not be prepared to answer when next called up. But now, however, he positively refused to give an answer, and therefore the House would be only stultifying their own proceedings if it consented to his discharge. If it were necessary, he was quite prepared to show that the sum of 100*l.* or 200*l.*, which he acknowledged to have received, was considered by him not so much as a bribe to himself, as the means by which he would be enabled to bribe others. Indeed his own evidence favoured this view, for he had given some account of the way in which this money was disbursed.

Mr. *Hume* did not know what the hon. and learned Gentleman opposite meant by proposing the Amendment to this Motion. What end would be answered by these repeated admonitions, when the approaching termination of the Session held out to this individual the hope of successfully evading inquiry into the proceedings, in which, it appeared, he had taken some part. He hoped the House would take some steps for punishing this individual. He had known an instance in which an individual was confined by the Court of Chancery for thirty-two years, for refusing to answer a question. Every court of law in the kingdom had a similar power of enforcing obedience to its directions. Was Parliament alone to be stripped of this power? and was a refusal to answer in a case of bribery and corruption the only one which was to go unnoticed?

Mr. Sergeant *Wilde* did not think that this individual could be fairly committed to Newgate. His alleged offence was, that he had refused to answer the questions which did not so much criminate himself as others. But he contended that if the question put to him had even a tendency (and he must himself be the best judge of that) to inculpate himself, he was not bound to answer it. It was not necessary that the question should directly criminate him; it was sufficient to constitute a ground of refusal if he considered that it afforded facilities for discovering his offence. His refusing under such circumstances to answer could not be considered a contempt of the House, for he had a legal excuse for the act.

House divided,

On the original Motion; Ayes 81; Noes 14: Majority 67.

List of the AYES.

Aglionby, H. A.
Attwood, T.
Baldwin, Dr.
Baines, E.
Barry, S.
Bowring, Dr.
Bowes, J.
Benett, J.
Bish, T.
Blamire, W.
Barnard, E. G.
Brocklehurst, J.
Buller, C.
Butler, Colonel
Brady, D. C.
Buckingham, J. S.
Brotherton, J.
Carter, J. B.
Collier, J.
Colborn, R. N.
Crawford, S.
Dillwyn, L. W.
Divett, E.
Dykes, F. L. B.
Dundas, J.
Egerton, Lord F.
Elphinstone, Howard
Etwall, R.
Ewart, W.
Evans, G.
Fergusson, C.
Gaskell, D.
Grattan H.
Grattan, I.
Grote, G.
Gordon, R.
Halse, J.
Hall, B.
Hawkins, H.
Heathcote, R

Hoskins, K.
Howick, Lord
Howard, P. H.
Hume, J.
Lynch, A. H.
Lushington, H.
Martin, T.
Musgrave, Sir R.
Nicholl, Dr.
O'Ferrall, M.
Ord, W.
Palmerston, Lord
Parker, J.
Pease, J.
Pechell Captain
Philips, M.
Plumptre, J.
Potter. R.
Roebuck, J. A.
Raphael, A.
Rice, Right Hon.
Rolfe, Sir R. M.
Ronayne, D.
Russell, Lord J.
Schofield, J.
Sheil, R. L.
Strutt, E.
Smith, B.
Stuart, Lord D. C.
Tancred, H. W.
Thornely, T.
Tooke, W.
Thompson, Colonel
Troubridge, Sir T.
Warburton, H.
Wakley, T.
Williams, W.
Wilson, H.
Wilks, J.
Wood, M.
Vigors, N.

TELLERS.

Hawes, B.
Steuart, R.

List of the NOES.

Tellers included, who voted against the committal of William Prentice to Newgate.

Baring, T.
Beckett, Sir J.
Borthwick, P.
Dalbiac, Sir C.
Elley, Sir J.
Freshfield, J. W.
Gaskell, J. Milnes.
Macklean, D.
Mackinnon, W. A.
Pemberton, T.
Praed, W.
Twiss, H.
Wall, C. B.
Young, J.

TELLERS.

J. Hardy,
Sergt. Wilde.

CASE OF CAPTAIN ATCHESON.] Mr. *Plumptre* rose to bring forward a case of what he deemed great individual hardship—a case of somewhat similar hardship from military laws he was aware had lately been before the House; but, in the present instance, there was one distinguishing feature;—it involved considerations of one of the nearest and dearest personal rights a man possessed, viz:—the right of conscience. It might be objected, that a very considerable lapse of time had taken place since the event had occurred; but although it occurred eleven years ago, it had never yet slept, and never would be suffered to fall asleep. Steps had been taken in different ways for obtaining that settlement to which it was entitled. He himself had brought the case before the House on the presentation of a petition, but the House would remember that it had never yet been brought to a vote; and he trusted that would be considered as a sufficient apology for bringing it forward again. He was also aware, it was objected that it was improper to bring cases of this sort before Parliament, and thus question the decisions of other legal courts of justice. But let the House consider, that he did not intend to refer the papers for which he moved to a select Committee, but merely to take the usual course on such occasions, viz.:—to move for the Minutes of the Court Martial as a ground-work for an address to the Throne—the last resort in this realm for justice or for mercy:—to appeal to his Majesty, whose prerogative it was, to remit punishment and reverse sentence as circumstances might require. He would briefly state to the House the circumstances of the case to which he referred. Captain Atcheson, in 1822, was stationed at Malta; and, after a stay of five months, was called on to take a part in some ceremonies connected with the religious worship of the Roman Catholic population of the island. On the first occasion he did not refuse compliance with the orders given him; but some five months afterwards he was again called on to take part in a similar service, the scruples which he felt before he felt much more strongly then, and he resolved to take the course which appeared to him proper, viz:—to request that he might be excused from the performance of the ceremony he was called on to assist in. Now, he believed that in the course which Captain Atcheson took he was perfectly justified by one of the articles of war, which he would beg leave to read to the House—it was to the following effect. "If any officer shall think himself wronged by any colonel or commanding officer of the regiment, and shall, upon application to him, be refused redress, he may complain to the general commander-in-chief of the forces, in order to obtain justice, who is hereby required to examine into such complaint, either by himself or the secretaries, and to make his report to us in order to receive our further directions." Under this article, Captain Atcheson feeling himself aggrieved in being called on to take part in the religious ceremonies of a class of persons from whose religion he differed, he made a request to his commanding officer that he might be excused from taking part in the service required. The hon. Member here read the letter of Captain Atcheson on that occasion, which ran to the following effect:—

"Malta, August 9, 1822.

"Sir; I have to acknowledge the receipt of the letter from Lieutenant Somerville, desiring me to proceed to Fort Angelo and apply to Lieutenant ——— for a letter addressed to me, requiring salutes to be fired on that day, and directing me to give orders that the firing should take place agreeably to those instructions; pursuant to those instructions, I found that salutes were to be fired, and that the castle bell was to be tolled, upon the anniversary of Saint Lorenzo, the tutelar saint of the island, at the periods therein stated. It is with the greatest concern I state, that I have found myself required to take a part in the ceremonies of an idolatrous act of worship, which I conceive to be improper. I feel that if I were to take any part in those ceremonies I should be violating my most conscientious principles as a Christian and a Protestant, and I most earnestly beg you will endeavour to have me exonerated from the execution of these orders."

"I have the honour to be, &c."

Addressed to Major Adams.

Now, this letter of Captain Atcheson was placed in the hands of Major Adams by the Captain himself: his request was received—no remark of displeasure at the refusal was uttered—the orders were not enforced—the duty was put on another—and Captain Atcheson felt himself justly entitled to believe he was released from the obnoxious service, and that no ill impression was created by his remonstrance. This seemed to him the worst part of the case: Captain Atcheson was charged with "disobedience to orders." He (Mr. Plumptre) denied he was guilty of any such disobedience, for he was warranted by the articles of war to remonstrate against the orders; he wrote the letter which he had just read, and which he must characterize as most respectfully and most properly worded, requesting that he might be excused from taking part in the execution of those orders, on the ground of religious principles. His request was acceded to, and he considered himself as in the same situation in which he would have been if the orders had not been issued. Under such circumstances, that an officer after having been left, as in the case of Captain Atcheson, for three months after the transaction, in the regular discharge of his duties, that he should then be arrested for disobedience to orders, and deprived of his command was, he must say, opening a door for tyranny in the army of the most oppressive nature. He did hope, too, that hon. Members would bear in mind what formed the disobedience to orders of which Captain Atcheson was accused, and for which he was dismissed the service, viz:—the requesting to be excused from the performance of a religious ceremony of the Romish Church—the request being acceded to without any displeasure being manifested at the supposed disobedience on the part of his commanding officer. But he would go further, and say that the remonstrance of Captain Atcheson was not only justified by the articles of war, but by the fact that the ceremony required of him was not at all military, but purely of a religious nature. It was not contained in any general garrison order, the requisition for its performance came from the priests; it was to be performed during a high religious festival of the Church of Rome, and under those circumstances, was it not natural that Captain Atcheson should remonstrate at being called on to take a share in the religious services of a church from which he conscientiously dissented? He hoped the opinion of the hon. and learned, the Member for Dublin, would have weight with the House on this subject, which he had stated on a former occasion in these words:—"What! Sir; are these to be called military duties, when I, as a Roman Catholic, know well that they are part of a religious ceremony commanded by my church!" Let the House mark that expression on the part of the hon. and learned Gentleman, and also remember, that the hon. and learned Member added, "If he had been in Captain Atcheson's place he would have suffered himself to be torn in pieces before he performed the ceremony." Another point to which he (Mr. Plumptre) wished to call the attention of the House was this: he did not consider that Captain Atcheson had the advantage of a fair trial. The president of the court-martial was a Roman Catholic; and though he was certain that gentlemen of that persuasion were not less honourable than those of the Protestant faith, yet, considering all the peculiar circumstances of the case, and the nature of the charge, it might be fairly questioned whether they would form the best tribunal on that occasion. Let the House further consider, that the real facts of the case were suppressed on the trial, which would not have been the case had the accusers been so confident of the justice of their charge as they ought to have been. The charge was, "disobedience to orders in not carrying into effect the order for firing salutes." Now, such order appeared, on a *prima facie* view of this charge, to have been a merely military matter—"firing salutes;" and it did appear to him, (Mr. P.) that there was in that a suppression of facts and circumstances not creditable to the framers of the charge. It was under this improper charge, thus partially framed, of "disobedience to orders," in "not firing salutes," that Captain Atcheson was held up most unjustly to the disgrace and ignominy of having been guilty of disobedience to military orders. He was aware it might be urged, that his Royal Highness the Duke of York felt very strongly upon this case, yet it appeared that the plain facts which he had mentioned, could not be gainsayed by any opinion merely, however high the authority from which it might be derived, prejudices had got into the minds of men on the subject, and it was at least as likely that they would reach to the Duke of York as to all others. He (Mr. P.) could only bring against an opinion, by none respected more than himself, in military matters, the simple case of uncontroverted, uncontradicted facts to which he had adverted. He anticipated an objection, that the bringing these cases forward would be setting dangerous precedents, and be likely to shake the grounds of military discipline. He (Mr. P.) was as anxious to keep up military discipline as any man, though he could not agree with some, that a soldier had nothing to do but to obey. He, for one, hoped they were yet far from the day on which soldiers of this country should rely on nothing but the bare command of their officers. He was, indeed, willing to allow, that when a thing was plain matter of military duty, nothing was more clear, than that obedience was the duty of the soldier: such, for instance, as fighting on a Sunday, and scruples of that nature. But, in matters not plainly military, certainly soldiers were as much bound to exercise their conscience as any other men; and to think that they were to be restrained in that exercise by the dread of losing their commissions, was a monstrous assertion of power. It was to be recollected, that Captain Atcheson was a member of the Church of England, the second article of which strictly forbade the participation in any of the ceremonies of the Church of Rome: it was also to be considered, that by a special provision in the articles of war, Roman Catholic soldiers were clearly exempted from taking share in the religious ceremonies of other denominations — that regulation, dated "Horse-guards, August, 1811," expressly provided for that, and added the important provision that, "nothing contrary to the spirit of these resolutions should be enforced in the army." Was it to be supposed, that it was not the intention of the framers of the regulation referred to, to afford the same relief to Protestant as to Catholic soldiers? Certainly, it appeared to him that such intention must be implied in the words, "contrary to the spirit" of these resolutions. But, supposing after all that, Captain Atcheson might have been guilty of an error in judgment, though he did not admit that, yet still, was it right that for such an error he should be degraded, dismissed from the army, and from the service of his country by a Court-Martial, when so many officers far more imprudent or even criminal were allowed to escape? He found, upon reference to a return which he had procured, that the result of many Courts-Martial was thus entered: — "tried; broken; reinstated." He had known many cases in which officers, after being found guilty of grave offences, had been reinstated; indeed, he had a list of many such cases, to which any hon. Member might have access. Amongst those would be found some, in every respect, parallel to the present case. And, upon a consideration of these circumstances he asked, was this officer, after twenty years' meritorious service, to be punished for not discharging a duty from which soldiers of another religious persuasion were exempted? He hoped his Majesty's Government would not sanction a doctrine of that kind, and that hon. Members of a different religious persuasion in the House, would have some consideration for a highly honourable man. The hon. Member concluded by moving—"That the Minutes of the Court-Martial, in the trial of Captain Atcheson, be laid upon the Table of the House."

Sir *John Beckett* said, that the question involved the consideration of the point whether a subordinate officer should or should not obey the orders of his commanding officer. The question was, whether the refusal of Captain Atcheson to obey the orders which he had received, was defensible on the grounds stated by himself, or whether that which was required of him did not completely fall within his military duties. He was decidedly of opinion that it did; and he must say, that if the House consented to the production of the minutes of the Court-Martial, they would inflict a fatal blow on military discipline.

Mr. *Hardy* defended the conduct of Captain Atcheson, and contended that he had been guilty of no disobedience of orders, but had merely remonstrated in the most respectful manner against being compelled to do an act which violated his religious and conscientious feelings.

Mr. *Cutlar Fergusson* said, he would oppose the motion. It was impossible the House could accede without opening the way to numerous evils, which it would find difficult to resist. Once admit this complaint, and every officer and soldier would constitute himself the judge of the propriety of obeying or disobeying orders; and then military discipline was gone, to the ruin of the service, and to the injury of the national interests. The charge was disobedience of orders. It was alleged on the other side, that Captain Atcheson did not disobey orders; but surely the non-execution of orders given him by the Governor himself could not but be looked on as disobedience; and, of course, punishable so long as military discipline was to be maintained in the British army. Malta was delivered up to England on the express condition that the religion and religious rites of the population should be respected and upheld. These conditions were scrupulously observed before Captain Atcheson's time, every respect was paid to the religious ceremonies of the people. Captain Atcheson had directions to respect these ceremonies, and he did not. If he (Mr. C. Fergusson) were in command, he would enforce obedience to the orders. The Court-Martial which sat on Captain Atcheson, and was the best judge of what constituted disobedience of orders, pronounced him guilty. If every one was thus allowed to make himself the judge of the propriety of military orders, the service could not stand. One man would have a scruple of conscience about firing a shot, another would have a scruple about marching on Sunday. It would be impossible, in his opinion, to allow the minutes of evidence (which, however, were so short that every one might put himself in possession of them in a quarter of an hour) to be laid on the Table of that House, without incurring all the evils to which his hon. Friend had adverted.

Sir *John Elley*, as a military man, felt serious apprehension that the present attempt to set aside the solemn decision of a Court-Martial was likely, if successful, to sap the foundation of all discipline in the British army. He conceived it to be the duty of every British officer and soldier, when stationed in a foreign country, to respect the religious ceremonies of the country in which he might happen to be; whatever might be his own private religious opinions. Did the House wish the army to become a deliberative body? If they did, where was their boasted discipline? The duty of the British soldier was to obey the order of his commanding officer, and not to argue the propriety of his commands.

Mr. *O'Connell* most strongly protested against the slavish doctrine which the hon. and gallant Member had ventured to advance before a deliberative assembly of freemen. He had told a British House of Commons that the soldier had nothing to do with the orders of his commanding officer but to obey them. The soldier was bound to obey every order that was legal, but if the order were illegal, he obeyed it at his peril. Thank God, the command of a military officer was no justification of an illegal act. Let that be well understood. The contrary doctrine was fit for the despotic regions of St. Petersburgh, but it was utterly unfit for the meridian of London. The soldier and the officer were alike amenable to the law. The law was the master of both soldier and officer, and not their servant. Nobody respected the hon. and gallant officer (Sir J. Elley) more than he did for his gallant conduct, and for the rank he had attained by his merits; but nobody repudiated more strongly than he, the slavish doctrine which that gallant Officer had promulged. In the whole course of the debate, nothing had been said against the character of Captain Atcheson; but if he had had the honour of being consulted upon the subject, he certainly should have advised an inquiry into the legality of the order which was issued by the commanding officer, instead of a motion for the minutes of the evidence before the Court-Martial. He did not deny that Captain Atcheson had been guilty of disobedience; but he did most strenuously deny the legality of the order so disobeyed.

The Earl of *Darlington* opposed the

motion. He was willing to allow that there were circumstances in extenuation of Captain Atcheson's conduct, but he was bound to say that that Officer had been guilty of a military offence.

Mr. *Philip Howard* was anxious to vindicate himself from any charge of intolerance which might seem to attach itself to the vote he was about to give. He thought that Captain Atcheson ought to have obeyed orders and fired the salute; in so doing he could not have been chargeable with an act of religious conformity any more than a Catholic High Sheriff who, in the discharge of an official duty, attends the Judge (for whose personal safety he is liable) to a Protestant place of worship. He would, however, adduce a case from a source from which the hon. Gentleman who introduced the motion could not appeal—from Holy Writ—from the 5th chapter of the 2nd Book of Kings. Naaman, the Captain of the Syrian hosts, and a convert to the faith of the Hebrews, propounds the following question to the prophet Elisha. He (Mr. Howard) cited the passage from the version of the Church of England. "In this thing the Lord pardon thy servant, that when my master goeth into the house of Rimmon to worship there, and he leaneth on my hand, I bow myself in the house of Rimmon: when I bow down myself in the house of Rimmon, the Lord pardon thy servant in this thing. And he (the prophet) said unto him, Go in peace." No case could more clearly show that the performance of a civil duty could not be construed to involve an act of religious conformity. At the same time, however, that he expressed his conviction that Captain Atcheson had been as faulty in his conduct as he was mistaken in his views, no one would more rejoice to hear that the Royal clemency had been extended to an otherwise deserving Officer. No one would learn with feelings of greater satisfaction that, like Sir Thomas Wilson and Lord Cochrane, he had by a gracious Sovereign been restored to his rank in the British army. The authority of the law had been already sufficiently vindicated. Military discipline having been asserted, the clemency of the Crown might, without danger to the service, be extended to this Officer who had gallantly served his king and country.

The House divided on the Motion: Ayes 27; Noes 54: Majority 27.

List of the AYES.

Baines, E.
Bish, T.
Brotherton, J.
Buxton, J. F.
Collier, J.
Crawford, Sharman
Finch, George
Gaskell, D
Hardy, J.
Hindley, C.
Hughes, Hughes
O'Brien, C.
O'Connell, D.
O'Connell, Maurice
Perceval, Colonel
Plumptre, John P.
Raphael, Mr. Sheriff
Scholefield, J.
Sheil, R. L.
Thompson, Colonel
Tooke, W.
Wakley, Thomas
Wallace, R.
Wilks, J.
Williams, W.
Wilson, Henry
Young, G. F.

HOUSE OF LORDS,

Friday, August 7, 1835.

MINUTES.] Bills. Read a third time:—On the Motion of Lord BROUGHAM:—Certiorari.

Petitions presented. By the Marquess of SALISBURY, from Hertford, against the Municipal Corporations' Bill.—By Earl of TANKERVILLE, from the Agriculturists of Bamborough, for Relief.—By Lord BROUGHAM, from Witham, for the Repeal of the Duty on Newspaper Stamps.—By the Earl of TANKERVILLE, from Saffron Walden; and Lord ELLENBOROUGH, from Daventry, against the Municipal Corporations' Bill.

CORPORATION REFORM.] Evidence was again taken on the Corporation Reform Bill, and after all that was tendered had been taken,

The Marquess of *Salisbury* requested to know what period their Lordships were disposed to assign to the present proceeding. It seemed that the Counsel were not prepared with any other case for this evening, although they were in expectation of a vast number of new cases by the mail to-morrow. The great object according to his view of the case, in examining witnesses, was to see whether the allegations in the Report were well founded; and upon that point he believed they were all now pretty well satisfied. After the numerous cases which had been adduced, and the direct contradictions to the Report which had been proved, it was in his view hardly worth while to persevere much further in the inquiry, unless they meant to go through the whole list of petitions.

Lord *Lyndhurst* said, it was not for the purpose of entertaining new cases that the learned Counsel wished to postpone further proceedings till to-morrow; it was to allow witnesses who had not yet arrived from the country to give evidence in cases which their Lordships had already determined to hear.

Lord *Brougham* concurred in the opinion, that sufficient evidence had been adduced, although he differed from the noble Marquess (the Marquess of Salisbury) with respect to the conclusion to be drawn from it as to the credibility of the Report. If, however, the noble Marquess would move, that the evidence be now closed, he (Lord Brougham) would willingly second the Motion.

The Earl of *Falmouth* begged leave to remind their Lordships, that it was only on Tuesday morning they had decided on hearing evidence; and from the great distance they had to send in some instances, it was not to be wondered at that all the witnesses had not yet been forthcoming. After the vote they had come to, it was absolutely necessary that they should allow those parties who were accused by this Report, a certain fair and reasonable time to justify themselves. Beyond that, he believed, Counsel had no desire whatever to go.

Lord *Brougham* complained, that Counsel had not adopted his suggestion in the forenoon. Had they done so, and continued sitting without adjournment from four to six, they would have reached the present stage by seven o'clock. He had a presentiment that the source of evidence would be running dry before nine o'clock, and since that hour his presentiment had been realized.

The Marquess of *Salisbury* thought, that sufficient evidence had been produced to prevent their Lordships placing implicit reliance on the Report; and if the House did come to a Resolution to that effect, it would be perfectly unnecessary to give the parties further time in order to enable some other boroughs to defend themselves, the accusations against them having been virtually withdrawn.

The Duke of *Wellington* said, there was another consideration which it was important for their Lordships to bear in mind on the present occasion; he alluded to the advanced period of the Session of of Parliament. It being absolutely necessary that this Bill should be taken into consideration and decided on by their Lordships as speedily as possible, he entreated them not to spend their time in hearing further evidence than was requisite, when they might rather be applying themselves to the consideration of the Bill itself. A great deal of light had been thrown upon the subject by the evidence already given at the Bar, which did not appear to stand in need of any further corroboration by additional cases. Under those circumstances he should suggest, that Counsel might be able by an early hour to-morrow to conclude the whole of what they intended to lay before the House. After that the House should proceed to take into consideration the further proceeding with the Bill. It was absolutely impossible to suppose that this inquiry ever could have been intended to be gone into for the purpose, by causing a great loss of time virtually, and by a sidewind, to defeat a Bill on this most important subject.

The Earl of *Falmouth* maintained, that their Lordships were bound in justice to allow sufficient time to all the Corporate bodies who had petitioned to send up their witnesses to be examined at the Bar.

The Earl of *Harewood* said, there were two or three points in order to acquire information on which they had been induced to establish this inquiry, and one was what degree of credit was due to the Report of the Commissioners. He was not now disposed to raise the Question, whether it would bear a strict examination. After the evidence which had been produced concerning the conduct of the Commissioners, he was content to leave that to the individual opinion of their Lordships. But there was another object which he, at least, had in view—namely, to show there existed a great variety of interests and diversity in the constitution and management of these boroughs. Now, that had also been clearly proved by the evidence already produced, which was quite sufficient for the purposes of this Bill. It was not necessary that they should go into an examination of the state of every borough in the kingdom in order to deal with this Bill, provided only they had grounds enough for saying, that the variety which existed would render the application and working of the Bill extremely difficult, as applied to those different Corporations. Those who were not satisfied with the evidence already produced would not be likely to be convinced by any which could afterwards be presented: and it became therefore extremely important, that without losing time unnecessarily, at this late period of the Session, they should apply themselves to the Bill with the view of modifying it so as to render it less oppressive and revolutionary in its provisions.

The Earl of *Mansfield* had no doubt

the effect of the evidence would be to confirm or alter the opinions which noble Lords entertained of the Report, and the measure which was founded on it; but in the votes he had given, on the Question of hearing Counsel and receiving evidence, he had been actuated wholly by a sense of justice to the petitioners, who considered their interests affected by the Bill. Not, however, to make the matter interminable, after the length they had already gone, he thought the House would be justified in interfering to put a stop to the inquiry, although, if in Committee there appeared to be particular Clauses which would operate prejudicially to individual boroughs, they might be at liberty, on presenting a petition, to state their special circumstances to the House.

Lord *Ellenborough* contended, that the House was bound by its own order to hear witnesses in all those cases where petitions had been presented; it therefore rested with the learned Counsel, who were charged with the interests of their clients, to determine whether they should proceed with further evidence. For his own part he was inclined to think that it was altogether unnecessary and inexpedient to occupy any further time with evidence in the remaining cases.

Lord *Brougham* said, there remained only seven cases to be disposed of. They might easily be finished to-morrow.

The House adjourned.

HOUSE OF COMMONS,

Friday, August 7, 1835.

MINUTES.] Bills. Read a second time:—Tonnage Admeasurement; Tea Duties'; Fines and Recoveries Office.

Petitions presented. By Messrs. F. SHAW, H. TWISS, ARCHDALL, JONES, PLUMPTRE, and R. PLUNKETT, from a Number of Places,—against the Church of Ireland Bill.—By Mr. J. OSWALD, from several Places, in favour of the Arrestment of Wages' (Scotland) Bill.—By Mr. CHISHOLM, from several Places, against the Aberdeen Universities' Bill.—By Mr. W. ROCHE, from St. John's Limerick, for the Abolition of Ministers' Money.—By Mr. T. ATTWOOD, from Birmingham, for Relief to the Polish Exiles; from Norwich, for the Repeal of the Duty on Newspaper Stamps; from a Friendly Society in London, for Amending the Act relating to Friendly Societies.

CASE OF LIEUTENANT PARROTT.] Mr. *Thomas Attwood* presented a petition from Lieutenant Parrott, of the royal navy, complaining of great cruelty and oppression practised towards him by the Board of Admiralty. He had taken pains for the last two years to make himself fully acquainted with the case of the petitioner, and the more he had inquired into it the more he felt convinced of the hardship and injustice with which this offence had been treated. When this case was brought before the House in the last Session of Parliament, the right hon. Baronet (Sir James Graham), who was then at the head of the Admiralty, offered to give Lieutenant Parrott 700*l.*, the arrears of pension due to him to the year 1825, provided he would relinquish all claim to be restored to his rank in the navy; but this brave man, who had served in twenty three naval engagements, who lost an arm in the service of his country, and who has at this moment two bullets lodged in his body, indignantly refused any compromise that would stigmatise him as a dishonoured man, and, although he was in a state of the deepest distress at the time, declined accepting of a sum that under his circumstances must have been to him a fortune, because the offer was attended with a demand to relinquish his claim to rank as a British Officer. A gallant Admiral (Admiral Adam) had on a former occasion, when the case of this Officer was before the House, called it a trumpery case. [Admiral *Adam* never used the word "trumpery" on that occasion.] He was bound to admit the denial of the gallant Admiral, and that his own memory must have failed him. But at all events the gallant Admiral had said, that it was not a case worthy of attention. Now, if the case of an honourable man, an Officer of the navy, against whom no guilt had been proved, and who had been deprived of his rank and pay for no crime, was not worthy of attention, he did not know what case was. The fact was, that Lieutenant Parrott felt that he was the victim of a prejudice entertained against him by certain persons at the Admiralty; but he was of opinion that the Admiralty had enough of odium to sustain without the additional burthen of doing an injustice to a gallant and meritorious Officer. All that he now asked on the part of Lieutenant Parrott was, that the 700*l*, arrears of pension, which the late First Lord of the Admiralty offered, should be given to this Officer without the accompanying condition that he should relinquish all claim to be reinstated in his rank in the navy. He hoped the hon. Secretary to the Admiralty, whom he saw in his place, would accede to this proposal; but if he should not be disposed to do so, he (Mr. Thomas Attwood) would consider what further step he should take—to move for a Committee, or by some other mode to procure redress for an injured man. It had been said, that Lieutenant Parrott was removed from the service for some crime of which he had been convicted; but the falsehood of the charge was afterwards made manifest, and the Judges quashed the conviction, and was it not, therefore, cruel to punish a man for a crime of which, properly speaking, he had been acquitted? The hon. Member brought up the petition, and moved that it be printed.

Mr. *Labouchere* said, that the hon. Member had not, in the statement he had made to the House, added one single new fact to those which he had stated when he brought the same case before the House in the last Session, or anything that could shake in the slightest degree what was said on that occasion by the right hon. Baronet who was then at the head of the Admiralty. He was not disposed to go into all the particulars of the case, as he did not think that the presentation of a petition was the most fitting occasion to discuss such a subject. He would, however, say that there was not the least ground for the charge of prejudice which the petitioner had made against certain Gentlemen, by name connected with the Admiralty, or of his case having at all suffered through their means, and it was perfectly unwarrantable to make such an assertion. With respect to the offer which the hon. Member represented to have been made by the late First Lord of the Admiralty, of 700*l.* to the petitioner, he (Mr. Labouchere) knew nothing whatever of it; but this he knew, that the hon. and learned Member for the Tower Hamlets (Dr. Lushington), who took an interest at that time in the case, said afterwards, that from the statement made by the First Lord of the Admiralty, he was convinced that Mr. Parrott was an unworthy and undeserving person. He should like, therefore, very much to hear from that hon. and learned Gentleman what he knew of this offer of 700*l.* The facts of this case must surely be now perfectly understood after the many discussions it had undergone. This individual had been tried by Court-martial, and dismissed the service for disgraceful conduct, but he was afterwards restored as an act of favour by the Board of Admiralty, but when he was again guilty of the scandalous conduct of extorting money from poor seamen, under the pretence that he could give them a protection against impressment, the Admiralty justly considered him as no longer worthy to belong to the navy. He had also obtained his pension originally under false pretences, and if dealt with as he deserved, he would have it taken from him, but there was a reluctance to deprive him of it, as he was in great distress. He obtained the pension by a representation that he had lost his arm in the King's service while practising with one of the great guns on board his ship at Portsmouth harbour, when the fact was, that he lost it by the bursting of a fowling-piece while he was amusing himself by firing at sea gulls. Even this falsehood would have been enough to warrant his dismissal, if there had been nothing else.

Admiral *Adam* said, that what he had stated on the former discussion of this case in the last Session was, that he hoped the Admiralty would not disgrace itself by entertaining a case like this, and he hoped so still. The Board of Admiralty had the right to strike out of the list of the navy any Officer who disgraced himself, which he considered the petitioner had done.

Sir *Edward Codrington* protested against the power of the Board of Admiralty to scratch any man's name out of the Navy List without some inquiry, by Court-martial or otherwise, into his conduct. No other class of his Majesty's subjects were liable to such arbitrary treatment. He knew nothing of the present case, but he knew several cases of great hardship, and had a number of petitions to present on the subject from suffering individuals, which he should bring forward when he moved for the papers of which he had given notice. In one instance a man had been dismissed the service for an offence alleged to be committed by him eleven years before, without the slightest investigation, and he had been that very day told of an old officer, seventy years of age, now on his death-bed, and in a state of starvation, who declared that to this hour he did not know what he was dismissed for.

Sir *George Clerk* said, that it was many years ago since he first became acquainted with the case of Lieutenant Parrott. He had been convicted of extorting 10*l.* from a seaman, under the pretence of giving him a protection against impressment, and although the conviction was afterwards set aside, there was not the slightest moral doubt of his guilt. The gallant Admiral who spoke last was mistaken in supposing that any officer was dismissed without inquiry. He could assure the gallant Admiral that the most strict investigation took place into every case, and every opportunity was given to the accused party to explain or justify his conduct, and it was not until he had been clearly proved to have acted disgracefully as an Officer and man of honour that he was dismissed. The power of dismissal by the Board of Admiralty was absolutely necessary for the good of the service, but, at the same time, if any improper dismissals took place, he should not be opposed to an inquiry into such cases. No case, however, had undergone more frequent and full investigation than that of Lieutenant Parrott, and none had ever been more impartially considered; and he had, therefore, hoped that it never would have been heard of more. In fact he had been treated with great lenity. The pension which he held originally was given to him by Greenwich Hospital while a midshipman, but on his promotion to the rank of Lieutenant, he of course, according to rule, lost the pension. When he was struck off the list of Lieutenants for extortion, he had no pension; but in the year 1825, as an act of indulgence, the Admiralty applied to the King in Council to continue, the pension, which he had since enjoyed. He (Sir George Clerk) could not, therefore, possibly see what arrears could be due to the petitioner.

Mr. *Hume* said, that he it was who brought forward the case of the petitioner in 1825, and he was free to admit that Lieutenant Parrott had been removed from the service in consequence of the verdict had against him at Maidstone, on a charge of extortion. But soon after the conviction one of the prosecuting parties died, and the other admitted that the charge had been fabricated, and, upon this, the Judges quashed the whole proceedings. After this, he contended that Lieutenant Parrott ought to have been restored to his rank in the service. It was on that occasion that the Government offered him the pension he now enjoys of 2*s*. 6*d*. a-day; and he (Mr. Hume) advised him to accept it as an instalment of his claims. He was disposed, therefore, to support any course of inquiry that would lead to justice in this case.

Sir *Thomas Troubridge* said, he did not think it possible that any man would have had the hardihood to bring this case forward again, after the facts that had been proved against the petitioner, by the documents brought forward by the late First Lord of the Admiralty. He considered the conduct of the petitioner to have been as bad as any that had ever come under the consideration of the House; and perhaps in the end, the friends of Mr. Parrott might do him more injury than service by bringing his case forward; for he now only held his pension as a matter of the most lenient indulgence.

Petition to lie on the Table.

Arrest of a Witness.] Mr. D. Callaghan moved the Order of the Day for the attendance of William Thompson and Mr. Alexander Dean.

[The Sergeant-at-Arms having communicated to the Speaker that both parties were in attendance in obedience to the Order of the Speaker, Mr. Alexander Dean was placed at the Bar, and in answer to a question put to him by the Speaker, stated that he had been summoned to attend as a witness before the Timber Duties' Committee, and that in obedience to that summons he arrived in London on the 30th ult.; that he was examined before the Committee on the 31st ult., and remained in attendance upon them until the 5th instant, when he received an order for the payment of his expenses back to Cork, and was discharged by the Committee from further attendance; but that he was arrested for debt at his hotel in Charles-street, Covent-garden, at 9 o'clock on the morning of the 6th inst. At the time he was arrested, he had not received the amount ordered him for his expenses. The witness withdrew. William Thompson was placed at the Bar.]

In answer to questions put to him by the Speaker, Thompson stated that he was an officer to the Sheriff of Middlesex, and that in obedience to a writ to him delivered he arrested Mr. Dean on the 6th inst., that at the time he made the caption he did not know Mr. Dean was in attendance as a witness before a Committee of this House, but on being shown by that Gentleman the summons, he took him to the solicitors from whom he (William Thompson) had received the writ. The Solicitors told him they did not consider Mr. Dean was privileged, as there was no case in point, and that if he (Thompson) discharged him he would be liable. On searching the Sheriffs-office he found another writ of execution marked for 495*l.* against Mr. Dean, and he could not take upon himself the liability of so heavy an amount as that of the two writs, 1,300*l.*, by discharging Mr. Dean. The Solicitors would give him no instructions, and he therefore hoped the House would make an order directing him in what manner he should act.

The witness withdrew.

Mr. *Callaghan* moved that Mr. Dean being privileged by his attendance upon the House, be now discharged out of the custody of the Sheriff.

The *Attorney-General* said, that Mr. Dean was clearly privileged, and as it also appeared that the officer had acted with perfect *bona fides* in the transaction, he thought the ends of justice and the rules and privileges of the House would be answered by consenting to the Motion.

The Motion carried. Thompson was called to the Bar.

The *Speaker* addressing him said, that it was the opinion of the House that Mr. Alexander Dean was entitled to his privilege, and that he must therefore be discharged.

The officer withdrew.

Business of the House. — The House of Lords.] Lord *John Russell* moved, in pursuance of notice, "That for the rest of the Session Orders of the Day should precede Notices." Last Session this Resolution had been adopted on the 9th of July; and at this time of the year it seemed necessary, as a number of public measures were upon the books, which ought not to be discussed and considered in so thin an attendance as was likely to take place after the notices of the night had been disposed of.

Mr. *Hume:* I quite agree with the noble Lord that it is desirable that some arrangement of the kind should be made; but I wish to ask what prospect the noble Lord can afford us of the termination of the Session. Suppose, as is alleged, that the Bill now before the other House should be rejected, it would be my business to submit to this House the propriety of a call of the House, in order to determine what measure should be adopted in such an event. It is certainly expedient to get the Bills through, and that the attendance should not be thinner than can be avoided, but this House is the Great Council of the nation, and ought to be ready to meet the emergency I have contemplated. I do not, therefore, agree to the proposal of the noble Lord, because I think the Session near its end.

Lord *John Russell*: As to the call of the House under such extraordinary circumstances, I apprehend that should they occur, the Resolution I wish the House now to adopt, could be set aside for the purpose.

Mr. *Roebuck*: I suggest that at this late period it would be as well for the House to adjourn for a month or six weeks, while the farce in another place is going on.

The *Speaker*: I am sure the hon. Member will feel in a moment the unfitness of such an observation.

Mr. *Roebuck:* Certainly, after what you, Mr. Speaker, have said, I feel that it would have been better not to have made the observation; but I should not have discovered its impropriety—I hope I may be permitted to finish my sentence—I should not have discovered its impropriety seeing what has been allowed to be said in another place regarding this House.

Lord *John Russell*: Perhaps I may be allowed to say with reference to the observation of the hon. Member for Bath, that it is my own opinion—my most decided opinion—whatever Gentlemen may hear or see in the public prints of what passes in another place, that the best way to preserve the dignity of this House of Parliament, and parliamentary proceedings, is not to take any notice of anything that may be said, offensive or derogatory. Of course we cannot know what takes place elsewhere; but as far as this House is concerned, I hope we shall take care not to expose ourselves to any censure.

Motion agreed to.

General Darling.] Mr. *Maurice O'Connell* moved the appointment of the Committee on the conduct of General Darling, and read the names of the Members whom he wished to serve upon it.

Lord *John Russell*: Sir, I now rise to make the Motion of which I have given notice; viz. "That it be an instruction to the Committee appointed to inquire into the conduct of General Darling, that they do not extend their inquiries into the proceedings and finding of the Court-martial who sat on Captain Robison" which I shall do without entering at all into the merits of the general question, lately decided. Sir I think that there should be very grave circumstances in the case, to induce this House to take cognizance of the proceedings of such a tribunal; and I do not think, that were it convinced of the existence of such circumstances in this case, it would proceed in the manner proposed by the hon. Member, viz. the appointment of a Select Committee; but that it would rather proceed by asking for the Minutes of a Court-martial, and then addressing his Majesty to take such steps as might be necessary in case of injustice, partiality, or illegality of sentence. Sir, there can be no doubt that under that kind of superintendence, and supervision, which this House ought to exercise, there might arise cases which would require such a proceeding as I have hinted at; but I can hardly believe it possible, that any case whatever should induce this House to say, " We think the proceedings before this Court-martial were not justifiable, that the conduct of the officers composing it, were not according to Military law, and therefore, we will appoint a Committee of our own number to whom these proceedings shall be referred, and before whom this case shall be tried over again." Sir, I think, that were we to adopt such a course as that, there is no proceeding before a Jury between man and man, that there is no decision of any tribunal in this country, which might not on the same principle be referred to a Select Committee,and be made the subject of appeal, thus forcing the parties implicated to a fresh hearing, and a new trial. But Sir, with respect to the Question itself,—supposing the House should think it right to have a revision in certain cases of a trial before a Court-martial—I will ask whether this be such a case. I think almost the only cases,—there may be others,—but I think the only cases in which this House should call for the proceedings of a Court-martial, are those of gross corruption, or of some very gross violation of the law. Sir, with regard to any gross corruption or any undue motives in the members of this Court-martial, I must beg the attention of the House to the appeal of Captain Robison, himself, addressed to a Member of this House. He says, " I believe the Court was far from unanimous in their finding against me, but still I do not offer a word to the prejudice of the majority that convicted me, I acquit them of all dishonourable motives, I impute to them only that human infirmity common to all men in similar circumstances." I submit, therefore, that there is no evidence of any dishonourable motives, or criminal conduct which would require the interference of a Committee of this House or of the House itself. On the contrary, if there were wrong at all it is, as Captain Robinson himself says, a question of "mere human infirmity," and there is no tribunal so immaculate that its decisions are not at times erroneous; but it would be a dangerous doctrine, to say, that because this House finds the decision of a Jury somewhat erroneous, that therefore the cause is to be tried over again at its Bar? Well then, Sir, I next ask, was this tribunal so utterly ignorant of law, or so misled by those who had to instruct it, that its verdict should be altogether set aside? With respect to this question, it must be recollected that this case has undergone investigation before. When an account of the proceedings were first brought home, it received,of course, that examinationwhich the proceedings of all Court-martials do, by the Judge-Advocate-General,and by the Commander-in-Chief, and in consequence of their advice, it received that approbation from his Majesty which all Court-martials must have, to be confirmed. But in the next place it was brought regularly before this House, and at that time the question was most elaborately and ably argued by my hon. and learned Friend, the Member for the Tower Hamlets, (Dr. Lushington) and the then Advocate-General, Sir Robert Grant, now Governor of Bombay. He had paid the very greatest attention to the case, and examined into all the grounds on which the Court-martial proceeded. He said, that the charges of Captain Robison against the Court-Martial, though numerous,might be resolved into three heads, first objections to the Constitution of the Court; next to the proceedings; and, lastly, to the decision and the sentence. Now if I can prove, Sir, that the constitution of the Court was legal; that its proceedings were legal; that its proceedings were right—the conclusions to which it came must be assented to by the House; if not, then the Court-martial must and ought to, receive its censure. Now, Sir, the conclusion to which Sir Robert Grant came, after his examination and his arguments (which I should only injure if I attempted to improve or even to repeat them to the House)—the conclusions to which he came were, that the constitution of the Court was legal, that its proceedings were regular; that, consequently, its decision was right; and, I think, after such an opinion ably delivered and argued in this House by such an advocate as Sir Robert Grant, we cannot say, that there was any gross ignorance on the part of the Court-martial which should induce this House to go into such an extraordinary proceeding. Upon the arguments of Sir Robert Grant, then, Sir, and of the other hon. Gentlemen, who then spoke, the House came to the decision not to ask for the Minutes of the Court-martial, and by a considerable majority. Upon this Captain Robison took the course of writing a letter which he addressed to Lord Althorp, requesting him to look over the statement he had made, and see whether, in his opinion, he had not overturned the arguments and the statements of Sir Robert Grant and whether he had not come to an erroneous decision on it. Now, Sir, the answer of Lord Althorp (who it must be recollected must have been a totally disinterested judge, on the question, was contained in a letter, dated 25th of September 1833, which I will read to the House, addressed to Captain Robison. It was to the following effect, "When I heard the debate on the subject of your dismissal, the impression on my mind was, that it was a case of clearly established abuse. In reading the printed Report of the debate the impression on my mind remained the same. I then turned to your letter and gave it all my consideration; you say your object was, to answer Sir Robert Grant's speech? I have carefully considered it, and examined whether you have succeeded in effecting your object, I am sorry to be obliged to tell you that in my opinion,you have totally failed." Here then was the opinion of a person of great learning and experience upon these subjects, Sir Robert Grant, and this was the opinion of this question formed by Lord Althorp, who certainly had no interest on the subject, and would not be misled by any technical arguments from doing what, according to his own sound and substantial judgment, he would consider to be justice. But Captain Robison went before the Court of King's Bench; a publication which was considered libellous being brought there for trial,there the Judges had the opportunity of considering the whole of the proceedings of this Court-martial,and the Judge,who pronounced the judgment of the Court on Captain Robison, who went into all the proceedings and circumstances of the Court-martial — after referring to those circumstances, stated the judgment of the Court upon them especially finding Captain Robison guilty of his offence, and that Judge stated that he did not consider the constitution of the Court illegal; and he then stated, with regard to a certain circumstance on which a great argument of Captain Robison was always based, viz., the letter of Captain Sturt to Lieutenant Sweeney—"We do not think that any person of correct feelings, but would coincide with the opinion expressed by the Court-martial, viz. that there was great impropriety in referring to such a letter, and from such a quarter." Thus the opinion of the Court of King's Bench, (generally speaking agrees with the proceedings of the Court-martial). And I think,Sir,—after such an opinion, after the opinions I have stated, of Sir Robert Grant, of Lord Althorp, and of Mr. Justice Littledale, it can hardly be affirmed that this Court-martial departed from the general principles either of law, or of substantial justice in their proceedings. With regard to the fact of the letter itself; the propriety or the impropriety of writing such a letter is not the question involved in my Motion; it is certainly liable to another construction than that which is the most charitable; viz. that it was written to Lieutenant Sweeney to deter him from giving any opinion on the Court-martial against General Darling. But at all events that is not now the question which we have to consider. I think, Sir, that, with these opinions, stated in the House of Commons, and in the Court of King's Bench,upon this Court-martial, this House will be of opinion with me, that this is not a case in which they ought to take such extraordinary proceedings as to allow a Committee of this House to make themselves judges of the proceedings, the finding and the sentence—regular proceedings, a regular finding, and a regular sentence, of a regular tribunal. I do not know that I need trouble the House any further; I will not enter, as I before said, into the general case either of General Darling or of Captain Robison. What I wish to guard the House against is assuming an authority which is properly given to Court-martials of this country, without extraordinary necessity, and without any sufficient reason, so that any person who may be hereafter led into improper conduct which may expose him to a Court-martial, may be told that he may have the whole question re-opened before this House, by whom there will be a different finding, and a different sentence, not acknowledged by the tribunal which had formerly tried and condemned him. Sir, I think that to establish such a precedent would be to shake the discipline of the army, and not only to relax obedience but to make all officers on Court-martials afraid to do their duty, in certain cases, under the apprehension of their being re-tried before a Committee of this House. I now move Sir, "that it be an instruction to the Committee appointed to inquire into the conduct of General Darling, not to include in their inquiries nor to take cognizance of the proceedings, finding, or sentence of the Court-martial which sat on Captain Robison in the year 1828.

Mr. *Maurice O'Connell* confessed that he was in an embarrassing situation, in consequence of the course adopted by the noble Lord that evening—a course which would preclude him from going into a mass of evidence most essential to the justification of a much-injured man, if it were adopted by the House. He thought that the Committee, if permitted to enter into that branch of evidence, would find that a case of a most terrific nature would be made out against General Darling, for his treatment of the two soldiers Sudds and Thompson. The noble Lord had asserted that this House ought not to be made a Court of Appeal from the decisions of Courts-Martial. Now, on the contrary, he would assert that, in the legitimate exercise of its functions, the House of Commons was a Court of Appeal from the decisions of such courts; and in making that assertion he was confirmed by the opinions which both the late and the present Speaker had delivered in that House in the year 1813. He had likewise consulted the Journals upon the subject, and he found that in the year 1744 the minutes of a dozen Courts-Martial had been laid on the Table; and that on revising them, the House had come to a decision, that in the case of Captain Norris the proceedings were unjust, arbitrary, cruel, and illegal. He had endeavoured to get at the proceedings of those Courts-Martial, but he found that they had been destroyed in the fire which recently consumed the House of Commons. The Court-Martial upon Captain Robison came within the category of gross ignorance or wilful misconduct, to which the noble Lord had adverted as a sufficient cause for the revision of the proceedings of a Court-Martial. The Members of that Court-Martial were deplorably ignorant of law, and they had been sadly misled by Captain Forbes, who acted as Deputy Judge-Advocate, and was a friend of Captain Sturt. He charged that Court-Martial with refusing to put to the witnesses certain legal questions which Captain Robison wished to ask them, and with violating the law in refusing to insert upon the minutes of the proceedings, the questions which they prevented that officer from putting to the witnesses. All the entry which they had made upon their minutes was, that the prisoner had put several questions to the witnesses, which the Court decided to be irrelevant, and had therefore refused to insert on the minutes. The prisoner was also entitled to know, at the commencement of the proceedings, who his prosecutor was. He asked that question. The Court refused to give him the information, and it was not till the close of the transaction that he learned that important fact from the evidence. The minutes of the Court-Martial were also taken every night by the Judge-Advocate to General Darling, who was enabled to shape his course accordingly for the proceedings of the next day. The Court-Martial too, instead of being continued from day to day, had been adjourned for several days. All this was a fit subject for inquiry in the Committee; for there must either have been gross ignorance or wilful misconduct on the part of the Court, and the existence of either one or the other was, according to the noble Lord, a fit cause for inquiring into its proceedings. The hon. Member went at great length into the examination of the evidence given by the different witnesses on that Court-Martial. He thought that this was a case in which the House was bound to inquire into the condition and character of the different witnesses examined on that occasion, but not into the proceedings of the Court-Martial itself. He ought to be allowed to prove that Captain Robison was a much-injured man, and that improper evidence, and also suborned evidence, was produced against him; and if upon the testimony given before the Committee on these points, the Committee should be induced to declare that there was nothing in the conduct of Captain Robison unbecoming an officer and gentleman, that would be a balm to that individual's wounded feelings, and would not interfere with the proceedings of the Court-Martial held upon him. The hon. Member concluded by moving, that after the word "inquiry" in the original motion, the words "or take cognizance of the proceedings" be left out, so that the amended motion would be to this effect—"that it be an instruction to the select Committee appointed to inquire into the conduct of General Darling, that they do not include in their inquiry the finding or sentence of the Court-Martial held on Captain Robison, at Sydney Barracks, in the year 1828."

Mr. *Cutlar Fergusson* said, it was perfectly ludicrous to exclude the finding and sentence of the Court-Martial, and to extend the inquiry to their proceedings, for they were the most material part of them. He felt bound to oppose the motion of his hon. and learned Friend, which was perfectly and wholly unprecedented, and he was prepared to show that the Court-Martial had committed no injustice in any one of the cases to which he had adverted. The reason why certain portions of the minutes of the Court-Martial were not produced was, that Captain Robison had put questions concerning parties not in Court. The questions had no relevance to the subject matter of inquiry, but referred entirely to third parties. The right hon. Gentleman then went through the proceedings of the Court-Martial, and defended Captain Sturt and Sweeny from the charges brought against them by Captain Robison. The subject had come before the Court of King's Bench, and it had declared there was no ground to impugn the verdict; he, therefore, contended that an inquiry should not be granted.

Mr. *Horace Twiss* trusted that the House, by sanctioning the motion on this subject on a former evening, would not establish a dangerous precedent. He was not acquainted with General Darling until after the debate he had alluded to. In consequence of the part he (Mr. Twiss) had then taken, the gallant Officer had called upon him, and asked him to consent to serve on the Committee, should he be appointed a member of it. He took that opportunity of asking General Darling a question relative to a point stated in the former debate by the hon. and learned Member for Dublin. And here he might be permitted to observe that he had made up his mind not to interfere farther in the matter, if the circumstances of the case had turned out to be as they were described by the hon. and learned Gentleman. He asked General Darling whether he had any cognizance of the letter sent to Lieutenant Sweeny. The gallant General denied, in the most solemn manner, that he had the slightest knowledge of such a letter having been sent, or even of the existence of it, until Captain Robison made his statement. He offered to make affidavit of this before a magistrate, and had one drawn up stating clearly the facts of the case, and took it to a magistrate, who refused to swear him to the truth of its contents in consequence of its being a voluntary affidavit. General Darling, however, had written a letter to him containing, as he thought, a complete answer to any allegation made against the gallant General on this point, and which was as satisfactory as any affidavit could be. In this letter he stated, that the letter of Captain Sturt to Lieutenant Sweeny was not only written without his authority or request, but that it was written and sent without his knowledge or privity, and that he was not aware, nor had he reason to suspect, that any such letter had been written until he had been informed of it by Captain Robison. Immediately he heard of this, he had written to Lieutenant Sweeny for an explanation, the nature of which the House was already acquainted with. If there should appear to be anything equivocal in his conduct in this or any other point, General Darling was not only willing but anxious to be examined before a Committee or any other tribunal, when he would give what he felt assured would be a satisfactory explanation and vindication of his conduct. He agreed in the suggestion of the hon. and learned Member, that they ought not to go into any investigation connected with the Court-Martial, unless they were to enter upon a full examination of the whole case.

Lord *Dudley Stuart* thought that it

would not be satisfactory either to the House or the country, if they did not enter upon an inquiry into the whole subject. It would even be a great injustice to General Darling if they did not do so after the vote the House had come to on a former occasion, and after the serious charges that had been brought against that gallant General. The Motion which his noble Friend the Secretary for the Home Department had that night proposed, went to rescind the vote which the House had come to the other night. He could not help saying that it required a degree of assurance on the part of any Minister, to come down with such a proposition. Why did not his noble Friend come down with his friends and supporters on the former night this subject was discussed, and oppose inquiry? It appeared that he had neglected to do so, and yet he came down now and asked the House to rescind the resolution they had come to on the subject. He (Lord Dudley Stuart) had not been present when his right hon. Friend the Judge Advocate addressed the House. His noble Friend the Secretary at War cheered him when he said that he had not heard the whole of the speech of the Judge Advocate; but he would tell his noble Friend that he had neglected his duty in not being present on the former occasion, when a question concerning the department over which he presided was under discussion. He contended that there were many instances where the House had instituted inquiry into the proceedings before Courts-Martial.

Sir *John Hobhouse* objected to opening the proceedings before the Court-Martial on Captain Robison, because it would tend to make the House a Court of Appeal from the decision of judicial tribunals. There might arise cases of an extraordinary nature, in which inquiry might be necessary; but this certainly was not such a case. He was satisfied that his hon. and learned Friend had not made out a case to justify the interference of the House in the proceedings of the Court-Martial.

Mr. *Maclean* said, that during the discussion sufficient credit had not been given to the character of General Darling. An hon. Member opposite said that a terrific case had been made out against General Darling; he therefore thought that officer should be allowed every testimony and every means of defending his own character. In 1829 that House had negatived a motion for copies of the minutes of the Court-Martial. It was not fair now to say that a case had been made out against General Darling, when the Court of King's Bench had decided so long ago that no case at all had been made out against him. The question of the Court-Martial had been brought before the King's Bench. They had the opinions of two Judge-Advocates, and of several Administrations, and of the highest tribunal in the country, as to the nature of General Darling's offence, and it was too bad that Captain Robison should urge it forward again. Upon those grounds alone he opposed the motion, although he knew that General Darling was most anxious that every part of his administration of the colony of New South Wales should be inquired into—that the whole of his conduct should be investigated, though he had testimonials from Government approving of his conduct, and sufficient to prove that he was totally incapable of being guilty of the charges brought against him.

Mr. *O'Connell* said, it was difficult to know whether the hon. Member who last spoke would vote for the Motion or the Amendment. The question now was, whether the proceedings of the Court-Martial should be put out of the inquiry, or whether it should be limited, and only go to a certain extent, exclusive of the sentence. It appeared that the hon. Member for Bridport (Mr. Twiss) was of opinion, that the original Motion would shut out General Darling from an opportunity of vindicating himself; he therefore thought that they were entitled to the hon. and learned Member's vote for the Amendment of the hon. and learned Member for Tralee. The blank affidavit that the hon. and learned Member for Bridport spoke of ought to have been made before the Court of King's-bench. He thought that the letter from Captain Sturt to Lieutenant Sweeney, was one of the worst features of General Darling's conduct. He hoped that the inquiry would not be limited, and that an opportunity would be given both to General Darling and Captain Sturt to vindicate their conduct before the Committee. He put it to the noble Lord whether he ought not to allow the Amendment of the hon. Member for Tralee to be carried, especially when it was seen that the friends of General Darling were so anxious that that officer should have an opportunity of vindicating himself? It was only by a full inquiry that the question could be set at rest, and he hoped, for the sake of General Darling and Captain Robison, that the Amendment would be allowed to pass.

Mr. *Maclean*, in explanation, said, that the hon. and learned Member for Dublin had not fully understood him. What he (Mr. Maclean) said was that he knew General Darling to be exceedingly anxious for inquiry into his conduct; but at the same time he (Mr. Maclean) said that after what had fallen from hon. Members opposite, and after the repeated decisions on the subject, the granting of the inquiry would be an unconstitutional proceeding.

Mr. *Shaw* objected to the inquiry upon principle. No doubt that House might, in extreme cases, revise the proceedings of a Court-Martial, confining itself to the matter which had been before the Court-Martial; but to re-hear the case, and open it to new evidence, was without precedent, and would lead to infinite inconvenience. So far as the feelings of General Darling were concerned, he would be ill-treated, now that the inquiry was granted, if it were not allowed to be complete. He thought the Government would act a much more manly part if they moved to rescind the whole resolution, as they had first opposed it. It was hard upon an old and distinguished officer, who had administered the difficult government of a convict settlement, having retired many years, to be now dragged before the public under accusations which had been already the subject of frequent trials and inquiries, that had all terminated in his exculpation. As regarded the letter of Captain Sturt, it might have been improper in Captain Sturt to write it to Lieutenant Sweeny, but it was clearly more unjustifiable of Captain Robison to read it, and for neither was General Darling responsible, for it was proved that the letter was written wholly without his knowledge. He was surprised at the special pleading of the hon. and learned Gentleman (Mr. O'Connell) on the deposition of General Darling's, which had just been read to the House. Surely no Gentleman in the House could hesitate to believe it as implicitly as if it had been sworn in a court of justice. He was quite a stranger to General Darling—had never seen him but once, and knowing many friends and connexions of Captain Robison's, he was really anxious, if possible, to serve him; but still he must act consistently with justice and principle.

Mr. *Phillip Howard* could not think it consistent on the part of that House, to agree to a Resolution one day, and the next to rescind it. On this ground he should vote against Ministers on the present occasion.

The House divided on the original Question; Ayes 89; Noes 46:—Majority 43.

List of the NOES.

Aglionby, H. A.
Attwood, Thomas
Barnard, E. G.
Bowring, Dr.
Brabazon, Sir William
Bridgman, H.
Buckingham, J. S.
Cave, Otway
Collier, John
Crawford, Sharman
Ewart, William
Fielden, John
French, F.
Grote, George
Harvey, D. W.
Hawkins, J. H.
Hector, C. J.
Hoskins, K.
Howard, P. H.
Hume, Joseph
Humphery, John
Jephson, C. D. O.
Maher, John
Musgrave, Sir R.
O'Brien, C.
O'Conner, Don
O'Connell, Daniel
Palmer, General
Pease, Jos.
Potter, R.
Power, Jas.
Pryse, Pryse
Roche, D.
Ruthven, E.
Smith, B.
Thompson, Col:
Thornely, Thos.
Tooke, Wm.
Tulk, C. A.
Vigors, N. A.
Wakley, Thos.
Warburton, Henry
Whalley, Sir Saml.
Williams, Wm.
Wyse, Thos.

TELLERS.

O'Connell, Maurice
Stuart, Lord Dudley.

Paired off against.

O'Connell, Morgan
O'Connell, John
O'Connell, M. J.
Oswald, J.
Power, Patrick
Ruthven, E. S.
Sheil, R. L.
Walker, C. A.

Original Motion agreed to.

TITHES AND CHURCH (IRELAND).] Viscount *Morpeth* moved the Order of the Day for the bringing up of the Report of the Irish Church Bill.

Report brought up.

Mr. *Shaw* had several Amendments to move, but having discussed the principle of them before, and knowing that the Government would resist them, he would not trouble the House to divide upon any of them at the present stage of the measure. He was, however, anxious to record his own opinion against that portion of the Bill which was in violation of all sound principle, and as regarded the other part of it, to repudiate the notion that the friends of the Church were averse to the just and reasonable settlement of the question of Tithe property. To the appropriation and sequestration clauses of the Bill, his amendment would be simple and sweeping. It was to omit them altogether, for their principle was such that no modification would induce him to consent to them. With regard to the Tithe branch of the question, he would move to alter that part of the Bill which rendered the clergy stipendiaries on the Crown, to omit the clauses for opening the compositions, which he considered an act of great injustice, and he would also propose an alteration in the Clause which referred to the average price of corn, so as to limit its operation to the future, and not to let it affect existing contracts. He had some Amendments, the effect of which would be to relieve the clergy from further reductions in their incomes, and his principal Amendment on this part of the case would be the introduction of those clauses which were to be found in the Bill of the present government of last year for the redemption of the rent charges, and the investment in land of the money to arise from such redemption. He feared it would be giving the Speaker too much trouble to put these various Amendments from the chair, and therefore he (Mr. Shaw) would move, that in point of form the Bill be recommitted.

The House went into Committee.

Mr. *Hume* proposed that a Clause should be inserted, with a view to the repayment of the million proposed by the Bill to be remitted to the Irish landlords. The sanctioning such a principle as that upon which those who had offered effectual resistance to the law, were relieved from all the consequences, was extremely likely to lead to consequences under the new arrangement which the framers of this measure did not at all anticipate. He would move a clause to the effect "that in every case where the arrears of any Tithe composition, or any assignment for the years 1831, 1832, 1833, and 1834, shall remain due at the passing of this Act, out of lands chargeable with a sum equal to the rent-charge of 7-10ths provided by this Bill there shall be payable an additional charge of 2½ per cent., to be recoverable out of and levied on the land in the same way as the former rent-charge, and subject to all the regulations and provisions hereinafter to be made for levying and receiving the same. That the proceeds of this additional rent-charge be paid over to the Consolidated Fund for the purpose of reimbursing it for the advances which have already been made, or those which it may be necessary to make." In order to guard against any injustice being done to the Irish landlords by this clause, he should hereafter move, that where the same tenants did not reside on the lands, the sums which might be due by them should be remitted.

Viscount *Morpeth* observed, that the effects of the Clause which was proposed by the hon. Member for Middlesex had been discussed fully on the night when the hon. Member for Southwark brought forward his Motion. He did not, therefore, think it necessary to enter on any further discussion with respect to this Clause.

Mr. *Robinson* did not see how it would improve the settlement of the Tithe question by the intended arrangement, if a certain additional sum such as that proposed were to be levied every year. He was very much afraid, if this sum were wholly remitted, that it would only hold out an encouragement to the violation of the law under the proposed rent-charge.

Mr. *James Grattan* was of opinion that the Clause would be altogether impracticable. The landlords would find it quite difficult enough to collect the seventy per cent. without imposing on them any additional charge.

Mr. *Shaw* thought a higher bonus should be allowed to those who had obeyed the law, than those who violated it.

Mr. *Harvey*: If the payment of a million were to secure permanent peace to Ireland, so far from objecting to that sum, there was no advance that he would not be willing to make in order to secure that object. But as he was persuaded that the new arrangement as proposed by this Bill, would not, and ought not to reconcile the payment of Tithes to the Irish people, he was unwilling that the whole of the million should be allowed to go into the pockets of the Irish landlords. By the Act commonly called Stanley's Act, the landlord was primarily liable for the Tithes of his tenants, notwithstanding any engagement to the contrary; and the repayment of that portion of the million which had been advanced ought to be secured to the revenue of the country. He would much rather give the money in the way of charity to the people of Ireland, than heap it into the pockets of the landlords and the richer part of the community, the greater part of whom were not proposing to do any good to their country. In the whole course of this discussion nothing had been spoken of for the benefit of the people of Ireland—no measure of poor-laws had been advocated for their relief—all that had been thought of was, to give as large a portion as possible of the Tithes of Ireland to the landlords. The most eager advocates of the Church, who had so loudly denounced the spoliation of its property, had breathed not one syllable of the appropriation of thirty per cent. of the Tithes of Ireland, in order to place them in the hands of the secular landlords of that country. The time would come when the English landlords would put in their claim to a similar remission in their favour. It was an essential sacrifice to take from the Church the property which belonged to the Church, or if it did not belong to the Church, belonged to the people, in order to put it into the pockets of those to whom it certainly did not belong. Not one sixpence of the money which had been advanced was to be recovered, and he much feared that none of it would ever find its way into the public exchequer. Indeed he had very little doubt that hereafter it would be proposed that the Consolidated Fund of Great Britain should be directly available for the support of the Irish Protestant clergy. An opportunity had been afforded to hon. Members the other night, when he had brought forward his motion, to prevent this abandonment of the public funds: how far they had made use of it was evidenced by the smallness of the minority which supported him upon that occasion. He could readily conceive the answer which some of them would return when their constituents spoke to them on the subject, and said, "We did not see your name in that minority, when it was proposed that a million should not be squeezed out of the pockets of the people of England." "See my name in it!" would be the reply; "no, and that was the fault of the hon. Member for Southwark, who proposed to send the clergy of Ireland in search of the million —how could we support such a Motion!" But that was not the case; he had opposed the Clause in question, not for the purpose of throwing the payment upon the clergy, but in order to cause the Government to take some steps for securing it. If there were difficulty in getting back the 650,000*l.* which had been advanced, there could be none in retaining possession of the remaining 350,000*l.* which the Government still had in hand. However desirable it might be to advance money to aid the Irish clergy, the interests of the people of England were certainly entitled to some consideration. The right hon. Baronet, the Member for Tamworth had said, that if he had remained in office, he should have proposed to extend an equality of beneficence to the three countries; as church-cess had been remitted to Ireland, he contemplated the remission of Church-rates in England, and a grant of money to Scotland. He proposed moreover to give up the million, advanced on account of arrears, in the case of Ireland. In the spirit of that impartial justice which guided him, some proposition must have been afterwards made for extending a similar remission of arrears to England, and consequently for advancing another grant out of the public purse. For Scotland also funds were to be provided out of the funds of England. To use the expression of an hon. Member now in the Government, he would not consent that the English people should be a milch cow, although it appeared that she was to be so. Both countries—Ireland and Scotland, were making their applications to her; and how it was that she sustained the constant draughts upon her resources was to him a matter of marvel.

Sir *Robert Peel* said, the hon. Gentleman who had just sat down commenced his speech by declaring that it was extremely painful to him to enter upon a second discussion of this subject, having so very recently addressed the House upon the same question. Notwithstanding this announcement the hon. Gentleman had entered at considerable length upon the subject, and at a considerable sacrifice of his private feelings, and, labouring under great personal suffering and pain, had addressed the House for nearly half an hour. Whether this suffering were real, or whether the hon. Member's description of it might be taken as a specimen of that "rhetorical candour" he had spoken of in the latter part of his speech, he certainly might be allowed to have his doubts. With respect to the topics alluded to by the hon. Member, he (Sir R. Peel) had certainly intended to have proposed, what the noble Lord opposite had since intimated his intention of carrying into effect, namely, the remission of church cess in England. This would relieve the people of England from a payment amounting to about half a million, a substitute being provided to the amount of about 200,000*l.* out of the general public funds. This proposition, however, did not originate either in himself or in the present Government, but in the noble Lord, the late Chancellor of the Exchequer. In that intention of the noble Lord he certainly concurred. The hon. Member for Middlesex need not shake his head. He was not going to enter upon a discussion of the principle of Church cess at present. Whilst, therefore, this relief was extended to Ireland, it should be recollected that when the Church cess was remitted in England, Ireland should have to meet her share of the public burthen imposed in its stead. The hon. Gentleman said, that the Church cess of Ireland had been remitted two years ago. Very true; but then the people of England were not called upon to make any payment, or take part in any payment, in its stead. England was not taxed for the Irish Church cess; the English cow was not milked; but the cow resorted to on this occasion was the Church of Ireland, the established Church which made all the sacrifices. The substitute for the Irish Church cess was entirely paid out of the Ecclesiastical revenues of Ireland. The hon. Member thought it would be unfair to allow the landlords a premium of 30 per cent. out of the tithes. Thirty per cent. might certainly appear a large *bonus;* his proposition was, to give 25 per cent. It was only a question of amount, for he thought there could be no difference of opinion as to the propriety of allowing some consideration to the landlords for the new burthen which was about to be imposed upon them without their consent. He did not think the House could, with any fairness, call upon the landlords to pay the whole amount of the tithes payable on their land, a burthen which was not due from them, and then tell the landlords to remunerate themselves by getting the tithes from the occupiers as they could. Some remuneration, he thought, the House was bound to give the landlord, and whatever it might be it was only a question of degree. The hon. Member for Southwark asked how hon. Members could go back to their constituents, and justify their conduct in having opposed the motion which that hon. Member had brought forward the other night on this subject. He (Sir R. Peel) thought they could go to their constituents with the best grace possible for having so done. The fact was, the hon. Member had so blundered his motion that it would have been impossible for the hon. Member himself to have carried it into effect if he had been allowed. The hon. Member said, he would not trouble himself to propose any substitute for this clause, but that he would leave it out altogether. What would be the effect of that? Why, that the Treasury would have been obliged to call upon the clergymen in Ireland for repayment of the sums advanced. The clergy would then be obliged to apply to the occupying tenants for payment of the arrears of tithe lawfully due to them, and, in default of succeeding, would be entitled to call upon Government for assistance to recover those arrears; so that, after all, the Treasury would have to make good the payment. How would the difficulty be aggravated also in cases where the occupying tenant, under whom the arrears fell due, was since dead. Considering all these difficulties, he for one, as an English Member, was content to remit this million, in the hope of restoring peace to Ireland.

Mr. *Randall Plunkett* had scrupulously abstained from offering his sentiments to the House upon the whole measure until the last moment, when he could do so without being guilty of what might be called obtrusiveness, in so young a member of the Legislature. Upon this measure, which must ever be essentially the most exciting subject upon which any inhabitant of the beautiful yet unhappy land he loved and lived in could possibly descant, unless, indeed, he is not susceptible of the ordinary sensibilities of human nature, and of strong sentiments, as far as he is himself concerned, and of sympathy for the poorer classes of his own creed. He felt that in offering the very few observations which he deemed it his duty, as a resident Irish gentleman, to offer to a thin house, and at so late a period of the Session, he was justified in taking the opportunity of the Appropriation Clause coming under the consideration of the House, because he deemed that that Clause, in its provisions and its objects, was an epitome of the whole Bill; for what did the Bill provide? Regulation of Ecclesiastical revenues, by what? Not so much the process of exhaustion, of which we learned so much the other night, but of the simpler principle of abstraction and appropriation; and its object was—instruction. Before he alluded further to the principle, he would show the House how the practice of sacrilege, which term the noble Lord, the Secretary for Ireland, disliked so much, had begun to work. Perhaps the House was not prepared for so early an application of that principle as he should have to recite. The following was a letter from a gentleman whom he should not further designate, than by saying that he was and is a clergyman, holding a living near Drogheda, and also the owner of considerable private property, and one of the best of men. The hon. Member read the letter, which stated that the churches of Slane, Termonfeckan, Dunany, Clane, and Moyleary, near Drogheda, had been broken open, the vestments and hangings stolen or defaced, as well as books and Bibles torn and injured, and many things carried away; and the writer further says, that he knows this sacrilege has not been confined to these churches, but does not choose to add aught but what fell under his own knowledge. The noble Lord opposite would hardly tell him as he did the other night, that he doubted, for he had no great objection to show the noble Lord the letter. Well, the object of the appropriation was instruction. It might surprise hon. Members, that when the Irish peasantry were starving, and calling out for food, that you gave them literature instead of loaves, and paper instead of potatoes. But how was the country to escape from the dilemma in which the conduct of the Government had placed it. He would turn to the Arcadian simplicity of the hon. and learned Member for Dublin for the solution. The hon. and learned Member told him the other night, when very angry, at his calling certain friars, Franciscans, that they were educational monks, and that he was happy to say, that there were more than 4,000 of these educational monks in Ireland. Could it be wondered, then, that only (by the Report of the Government Commissioners of Education), 140 clergymen of the Established Church, had applied for schools under the new Board, while upwards of 1,300 priests had done so? The thing was evident, and these monks were to get hold of all these funds—to get hold of the instruction of the youth of the kingdom. It was not for him to allude to the splendid orations of those gifted Englishmen, who, from those benches, advocated the cause of the suffering pastors of the persecuted faith in Ireland. He wished, certainly, that the noble Lord, the Member for North Lancashire, were present, as it struck him that in the various details which were so ably handled by so many Members on that side of the House, that he glanced at a topic, which he would wish to impress upon the minds of some hon. Members, because he thought it would be productive of some striking results, both as showing the iniquity of the proposed measure, and the causes why the Reformation should not have made more progress in Ireland—he meant with regard to the extent of ground over which the duties of Protestant pastors had been hitherto extended—without taking more than the most cursory review. The area of Ireland was upwards of 27,000 square miles; therefore the beneficed clergy of Ireland had an area, on the average, of more than twenty square miles, over which to extend their pastoral cares. But in Connaught there were much more than 7,000 square miles, whence the 103 clergymen there (if there were half the number) had sixty-eight square miles, on the average, to attend to. He would appeal to any hon. Member who, like himself, had canvassed a large county, what he thought of traversing fifty-six square miles, even in a britchska? In justice to the eloquent oration of the right hon. Chancellor of the Exchequer, he must say, that he went with him heart and soul when he said, in his exordium, that had he felt, as did the right hon. baronet, the Member for Tamworth, what would be the evil results of that measure, rather than allow it to pass the second reading, he would have died sooner. He could tell the right hon. Gentleman that there were some within, and many without these walls, who, rather than admit a principle destructive of the muniments placed around the ministration of that holy religion in which their infancy was baptized—their manhood confirmed—the dearest ties that bind mortals here below were knit, and which, they trust, when life, not too dear or delightful to the Protestant of Erin, was over, will give their mortal remains to a Christian grave, would have died sooner. That could not, however, affect the right hon. Baronet, the member for Tamworth, who had already admitted the principle. He concluded by protesting, however late, against passing a measure having sacrilege for its means, and of which the object was to apply the funds of our Church for, to say the least of it, a very dubious purpose.

Mr. *Tooke* then rose and said, that he had an amendment to propose in the Appropriation Clause, the object of which was, in his opinion, so just and liberal, that he could not anticipate any objection to it. He proposed the introduction of the following words in the Clause to which he had referred—"That out of the reserved fund the Ecclesiastical Commissioners should allow an annual stipend, not exceeding the sum of 40*l.* in any one case, to such meritorious ministers of the Established Church as shall have officiated as curates, and who, possessing no preferment whatever, and being destitute of all other means of support, shall, by reason of age or infirmity, have become incapable of exercising their clerical functions; with a like provision in favour of the widows of such curates."

Viscount Morpeth opposed the Amendment, which was negatived, and the Clause was then agreed to.

Mr. *Fitzstephen French* said, that the difference between the Clause about to be proposed by him, and the 89th Clause of this Bill, for which he wished to have it substituted, was merely striking out the definite period of ten years, in which the tenants are obliged to pay off the mortgage, and allowing them to discharge it at their own convenience. The object in offering a loan on a reduced rate of interest was, to induce the tenants to come forward generally to purchase, which, at the rates now demanded by the Commissioners, was considerably more than could well be expected. It would scarcely be believed that the increase on the yearly fine of the tenant, arising from interest on the purchase money at five per cent., amounted in all the dioceses, except Armagh, to about fifty-five per cent. That was supposing the tenant to have paid for his property a yearly fine of 1,000*l.* to the bishop, on payment of which sum, or less, for the last 200 years, his lease had been renewed. He would, if he should purchase, be immediately and permanently subject, fine and interest together, to 1,550*l.* a-year. In Armagh, the amount demanded was still more extravagant; the increase on the fine was there 150 per cent., so that if the yearly fine be supposed 1,000*l.*, as above, after purchase, the tenant would be immediately and permanently subject to 2,500*l.* a-year, where before he paid but 1,000*l.* Could it be wondered at, that the tenants should hesitate to subject themselves to such charges, and if any could be induced to come forward and purchase, by an offer of a permanent loan, at a reduced rate of interest, not subjecting the Government to any loss, why should it be resisted? In fact, if a loan at three per cent. would bring about purchases, it was the obvious policy of the Government to offer it, since the interest of Exchequer bills, in which, by the forty-fourth section of this Act, the money procured for the perpetuities must be invested, was only about two and a quarter per cent., and the tenants, after all, would be very heavily mulcted. The rates would be nearly—

	Yearly Fine.	Fine and Interest of Purchase Money together.		
		5 per cent.	3½ per cent.	3 per cent.
In all dioceses but Armagh	1000	1550	1365	1330
In Armagh	1000	2500	2050	1900

If the loan at three and half per cent. were confined to ten years, it would form no sufficient inducement to any tenants to come forward to purchase. The present value of a reduction from five per cent. to three and half per cent., amounting to a bonus of one and half per cent. for ten years only, was worth, at five per cent., about seven and half years' purchase, or little more than one-third of the value of the perpetuity of twenty years, which a permanent reduction of one and half per cent. would be worth. The real bonus per cent. would, therefore, be equivalent to little more than one-third of one and a-half per cent., or one-half per cent yearly for ever, and the increase of charge, instead of being 1,550*l.*, as at five per cent., would still be equivalent to nearly 1,490*l.*, instead of being reduced to 1,365*l.*, as it would be if the loan were permanent. It was clear, then, that if the Government meant to induce the tenants to purchase, the loan must be offered permanently at three and a-half, or three per cent., and that neither would be any loss to the public, nor any unreasonable boon to the tenant, still leaving him subject to a very heavy charge. Some measure of this kind was necessary to render the fund productive; in fact, Government, by the introduction of a clause offering money to purchase the perpetuities at a reduced rate of interest, had confessed that the Commissioners were demanding an imaginary value for these fee-farms. They acknowledged that something must be done to induce the tenants to purchase; but they offered a reduction of one-half per cent, when the difference between the tenants and Commissioners amounted to one year, and a sixth of the beneficial interest. The provision of the Temporalities' Act had been shamefully violated —a most unjustifiable exercise of the veto of the Lord-Lieutenant had taken place. He alluded to the case of Sir James Strong, in which arbitrators were appointed under the provisions of the Temporalities' Bill. Several thousand pounds were by them deducted from the sum demanded by the Ecclesiastical Commissioners, who were condemned to bear the entire cost of the proceedings. The Lord-Lieutenant interfered in a manner never contemplated by the Act, which gave him the power but in cases of fraud, and put a stop to the proceedings. Sir James Strong lost the benefit of the arbitration, and the Commissioners were still persevering in their unjustifiable demands. Under these circumstances, and considering the Clause as a compromise between the tenant and the Ecclesiastical Commissioners, he thought he was fully justified in calling on the House to support him.

Mr. Sergeant *Perrin* thought that the principle of the Amendment was highly objectionable, and he was decidedly opposed to its adoption, He should, for the purpose of exemplification, put a case. Suppose any hon. Member of that House wanted to sell an estate—a fair rent is given for it—the parties agree upon the price. But what would that hon. Member think if, instead of the money, it were proposed to give him in payment a rent-charge of 3½ per cent. Yet this was precisely what was proposed to be done by his hon. Friend, the Member for Roscommon. The proposition of the hon. Member was, to give a rent-charge of 3½ per cent, instead of paying down the money, and to this proposition he (Mr. Perrin) was decidedly opposed.

Mr. *David Roche* thought the hon. Attorney-General was mistaken in the view he took of the proposition submitted to the House by the hon. Member for Roscommon. The hon. Member proposed to do nothing more than was done by the Government itself, who, when they borrowed money from the public, gae a rent-charge of 3½ per cent. on the country in payment. This was precisely analogous to the proposition of the hon. Member, and he could see no sufficient reason why it should not be adopted.

Mr. *O'Connell* expressed his approval of the proposition of the hon. Member for Roscommon. Surely there was no injustice in substituting a rent-charge of 3½ per cent. for the payment of the money, if it were inconvenient to pay it—to be, however, returned in the same way as the quit-rent, giving, in fact, the tenants a right to redeem under the provision of the hon. Member's proposition. The adoption of the proposition would tend to facilitate the augmentation of the Perpetuity Purchase Fund.

Viscount *Morpeth* was apprehensive, if he acceded to the proposition of his hon. Friend (Mr. French), that he would be justly amenable to a charge made against himon a former night, of burdening the Perpetuity Fund with more than it was able to bear. The funds placed at the disposal of the Ecclesiastical Commissioners were very low at present, and the proposition of his hon. Friend, if agreed to, would tend still farther to curtail them.

Mr. *Shaw* thought, that if the terms of sale were too high, they ought to be altered; while he confessed that the present Amendment was a complicated mode of effecting that object, and it was difficult to imagine how principal, but at three and a-half per cent., was ever likely to be repaid. He felt, however, that some further inducement to purchase on the part of the tenant was wanting, and that it would be beneficial to the Perpetuity Purchase Fund itself.

The Committee divided on the Amendment; Ayes 17—Noes 144; Majority 127.

Mr. *Bingham Baring* rose to move certain Clauses which he should beg to bring up at this stage of the Bill. In doing so, he stated that he opposed the Bill, not because he was enamoured of existing abuses or of sinecures—none of which he wished to continue; but because the Government would not allow them to reform the Irish Church without paying a dear price for it; and not only so, but would not allow them to recover those national funds which were gradually and surely diminishing by the efforts of lawless violence. What was the price which the Government required to allow them to reform the Irish Church? It was not the 58,000*l.* "surplus." No! They no more looked at that than did Napoleon at the immense revenues of which he was possessed, which he regarded merely as the means of obtaining some future and grander station, some loftier elevation. His objection to this measure was again, that it was not a final measure. It was very true, his noble Friend opposite (Lord Morpeth) said it was a final measure; but he was afraid that on that head his noble Friend's word could not be relied upon. It would be only "final" till it was necessary to introduce a new principle to carry it further. The Church of Ireland was left by this measure in almost as bad a condition as it was at present. The distribution of Church revenues, and the proportion of persons to revenue, were left in almost the same anomalous state as at present. The revenues of the Irish Church were lately calculated as being the revenues of a rich Church. Whereas they had now become, by gradual extortions those of a poor Church. In the first place, came the Church Temporalities' Bill, with its commutations, and reductions and averages: Secondly, there was the disproportion in which its revenues were distributed; and the revenue of the Church arising out of the tithe population, he thought that some new modification of the benefices in Ireland was necessary to remedy many anomalies which arose out of the present system. There was a third cause, and that was, that the Irish Church was the Church of the minority and not of the majority, of the people. To all these anomalies, the Bill afforded but a slight remedy. It only sequestered those parishes in which the population had been reduced to fifty; but there were others above that number which might in a very short time be reduced below it. And if the Bill continued in its present state, he was of opinion it afforded a very strong inducement to the Catholic population to diminish by violence the Protestant population to the minimum fixed by this Bill. They would have every petty Agitator going in his progress through Ireland, and speaking to the assembled multitudes, "Come, we have succeeded in diminishing the Protestants, so as to exclude them from such and such places, to the number, (suppose) of ten; let us endeavour to succeed in doing so, in fifty this year," and so on. Again they would have the hon. and learned Member for Dublin annually coming down to this House with his Report, stating that in such and such parishes, by the grace of God, Catholicism had increased, or Protestantism diminished, the effect of which had been to bring them within the operation of the Bill; and calling upon the House for its application of the principle again and again. And he was afraid lest the hon. and learned Member should propose (not satisfied with his success under this Bill), that he should propose to abolish Churches where the number of Protestants now fixed at fifty, did not exceed sixty, eighty, or even 100. So that they should have a succession of struggles year after year. That surely could not be the object or the intention of Government, and therefore he was quite sure they would agree in the plan proposed by him (Mr. Bingham Baring) in the Clauses which he should shortly move for leave to bring up. Of those Clauses, one vested in the Ecclesiastical Commissioners all the revenues of the unsequestered parishes. And he should deal only with the unsequestered parishes. Clause the second gave to these same Ecclesiastical Commissioners — (he had chosen them because they were fixed upon by the Bill of the noble Lord (Lord Stanley) — it was indifferent to himself who they were; but he thought it fit to place the funds in some such hands because they would have the opportunity and the power of removing abuses, &c., and thus prevent the necessity of a frequent recurrence to Parliament. The second Clause then enacted, that these Commissioners should have the power of altering the limits of benefices; and the third gave them the power of endowing benefices not sequestered. These were the principal Clauses he proposed, the rest were matters of detail. He would merely state further that whereas this Bill would reduce to a certain amount the revenues of the Irish Church, he (Mr. Baring) was convinced that at a certain future time Protestants would require a larger, or at least as large a sum of money as they now possess, for the endowment of their Church. The noble Lord (Lord Morpeth) had stated from certain tables that Protestantism had decayed in Ireland; but he believed that Protestants had greatly increased; for in 1733, they were 600,000; according to the Bishop of Dromore; and now by the Report of the Commissioners they were 1,600,000. During the same period the population of England had increased from 5, to 8,000,000; and if that population which was a manufacturing as well as an agricultural country, (whereas Ireland was completely agricultural) if that population had increased at the same rate as that of Ireland, it would have been now 12, instead of 8,000,000. Under those circumstances, he thought he was justified in affirming what he had just stated, with regard to the Irish Protestants. There were, he believed, about 1,100 benefices; and allowing only 300*l.* per annum to each (which was excluding all allowances for curates which in many instances were actually necessary), the present revenue was scarcely sufficient. In short, he could not see on what principle Gentlemen opposite could refuse to support his Clauses. Whatever might be the intentions of others, it was, he was sure, that of the Government, to make this a final measure; and, following that intention up, which they had so often expressed, and for which for one, he (Mr. Baring) gave them full credit: he called on them to vote with him.

Lord *Morpeth:* I am glad to be able to say that my objections to the Clauses of the hon. Member, if any, will be those of detail merely; the principle which they involve being one to which I not only assent, but which (so far, at least, as I recollect it in those Clauses), I am determined to assert. I rejoice, too, at any proposition, coming from the quarter to which the hon. Member now belongs (the Opposition Benches) which seems to rest on true liberality, and I am inclined to believe, that my noble and right hon. Friends would have been almost inclined to follow the principle of any hon. Friend opposite in the introduction of some such Clauses, had it not been from the apprehension that the extent of change, and coldness and indifference to existing "landmarks" which those Clauses introduce, might have provoked a still further opposition, and tempted a still more obstinate resistance than, hitherto, it has been our good fortune to meet. As I heard the Clauses, they do not interfere either with the principle, or the working of the Bill which I have had the honour to introduce, so far as relates to the sequestered benefices which are beyond our reach. Certainly they might go far to remedy the effect of those great disproportions and irregularities in the extent of the Ecclesiastical territory, which, confessedly, would still remain where our spirit of innovation did not carry us far enough in attempting to remove them; but I feel, after this Bill has gone so far with no supplementary provisions, I cannot feel myself authorized in unconditionally giving my consent to these Clauses, unless I find them urged on me by a very general expression of feeling in this House.

Mr. *Shaw* thought, that the effect of the Clauses would be to vest too great a power in an irresponsible body; at all events, the proposition required more consideration than it would then be possible for the House to extend to it; on that account he trusted the Government would not consent to entertain it.

The *Chancellor of the Exchequer* thought that the principle involved in the Clauses was most valuable, and hoped the House would not be induced lightly or negligently to suffer it to pass by. He for one was ready to adopt the Clauses at once. No one felt more strongly than he did, that it was the duty of Parliament to make the surplus fund conducive to the purposes of Protestant education; and he thought that the hon. Gentleman was entitled to the gratitude of the Protestants of Ireland for having brought forward his proposition.

Mr. *Hume* said, it was most gratifying to him to find a proposition, which he had brought forward fifteen years ago, and for which he was nearly torn in pieces, suggested by an hon. Gentleman belonging to that political party to which the hon. Member for Winchester was attached? The hon. Gentleman was perfectly correct when he said, that the present measure would not be a final one unless it contained some such provision as that which he proposed. Nothing could be more consistent with justice, or with the interests of the Protestants in Ireland, than that the funds should be applied in the manner that the hon. Gentleman suggested.

Sir *Robert Peel* thought, that the valuable part of the discussion was the admission of the right hon. Gentleman the Chancellor of the Exchequer. He had understood the right hon. Gentleman to admit, that he was ready to assent to the principle of Clauses which would appropriate the revenue of every parish in Ireland, except the 860 particularly described in the Bill, to purposes connected with the Established Church. The right hon. Gentleman distinctly acknowledged that principle, because he talked of the fund to which the Clauses referred as an unappropriated fund. He (Sir Robert Peel) apprehended that the people of England would make no objection to the principle of providing a fund for the education of the people of Ireland. There were some difficulties no doubt; but the principle being agreed upon, he did not believe that any objection would be made to a grant for the purposes of education. The proposition now made was, that they should provide a sum of 40,000*l.* for education purposes—that an increase of the grant was required. The noble Lord (Morpeth) in dealing with this subject, talked first of a reserve fund; but finding that he could create no such fund, he then came down, and asked for 50,000*l.* to realize the expectation he had held out. He hoped his hon. Friend would not precipitate a vote on the question, which certainly required a more mature consideration than it would then be in the power of the House to bestow upon it. To any distribution of Ireland into districts, he should decidedly object. At the same time, he should be sorry to give a direct negative to the proposition before the House.

Lord *John Russell* thought, that the right hon. Baronet had not exactly understood his right hon. Friend, the Chancellor of the Exchequer when he said that, with the exception of the 860 parishes, the revenue would be appropriated exclusively to the purposes of the Protestant Church. All that his right hon. Friend admitted was, that the endowments of the Church might be better distributed than they were at present. That was the principle which he (Lord John Russell) understood to be involved in the Clauses brought forward by the hon. Member for Winchester; and he thought it to be an extremely proper one. In the general proposition contained in the Clauses, therefore, he was fully disposed to assent; but in some respects, he thought they would require a more mature consideration. He was glad that the suggestion had been made, but thought it would not be advisable to press it to a division.

Clauses negatived.

The House resumed—the Bill reported.

Reduction of the Militia Staff.] Lord John Russell moved the second reading of the Militia Staff Reduction Bill.

Colonel *Sibthorp* rose to oppose the Motion. He did so because the Bill had been introduced at a late hour, and at a late period of the Session; it was founded on no justice, no necessity, no economy, no advantage to the public. It had been politically surreptitiously brought in. It was a Bill, a project, a measure which was unconstitutional, uncalled for, unrequired, and unnecessary. The noble Lord might say, it was founded on a point of economy. The noble Lord might be a very entertaining man—an uncommonly entertaining man in private circles; he might be a very clever man at the Home Department; but he (Colonel Sibthorp) would tell that noble Lord that neither he nor his noble Friend the late Secretary at War, in the event of their entering the Militia, would ever get much further than the awkward squad. The Militia was a constitutional body; it had infused a feeling of security and satisfaction into the hearts of our citizens at home—it had struck terror to the hearts of our hardiest foes abroad; and yet the noble Lord proposed to alter the constitution of this constitutional body, and to reduce its numbers in the proportion of one-third of two thirds. The noble Lord, having no ear for music, proposed, in the first instance, by one sweeping, and he would say, revolutionary measure to do away with all the drum-majors. Now, were the people of this country to be told in the nineteenth century, that drum-majors were to be treated in this way? Was it to be borne, or could it be supposed that drum-majors would respect the institutions of their country, if the laws afforded drum-majors no protection. The noble Lord was not aware probably—never having been a drum-major himself—that the office was one of the most difficult to fill up at a moment's warning, and that the course of training for a drum-majorship, was both difficult and expensive. The introduction of this measure was neither more nor less than a consequence of that democratic spirit which was floating about, and which was to be found from beginning to end in all the proceedings of that noble Lord. The noble Lord began his democratic career by destroying what he was pleased to call the rotten boroughs; he then endeavoured to subvert the Corporations—though here he rather expected the noble Lord might be caught; and then looking round for more prey it suddenly struck him—"The Militia—another great constitutional body—I'll have a touch at that." The present Bill was the result—this attack on that great body of men—that efficient force. It was an act of legislative, economical injustice. He would ask the noble Lord, who pretended to feel for the people—but who did not care, as he believed, twopence for the people—whether he sincerely thought this measure would be beneficial to the public. Why did the noble Lord adopt "the eleventh hour," to bring forward an iniquitous measure of such consequence. He protested against this Bill, and also against any measure emanating from the Government; and he should, on a future occasion, take care to tell the noble Lord that the Bill was unbecoming the Treasury Bench, or any persons pretending to act for the benefit of the country.

Colonel *Perceval* felt bound, as a militia officer, also to protest against the measure, even on the grounds of expediency, still more so on those of injustice. The militia staff had done essential service to the British nation during the war, and had been forbidden from volunteering into the active service, by which they might have attained promotion, and they had remained satisfied under the promise that their appointments were permanent. Now, with two months' notice (for it was now the 8th of August, and the Bill was to take effect on the 10th of October), the very men who had thus sacrificed their chances of promotion and served well their country were to be sent to the right about, at an age when it was impossible for them to turn themselves to any new employment, by which to earn their means of subsistence. The measure was fraught with cruelty and injustice.

Mr. *Brotherton* protested against a Bill of this importance being discussed at the late hour which had now arrived (half past one o'clock.) He did not wish to stand in the way of the Government by now moving the Adjournment, but he must express a hope, that after this Bill was disposed of, the other Orders of the Day would be read with a view to their postponement.

Lord *John Russell* defended the Bill, and denied that it was contemplated by the Government to inflict any injustice upon the Militia Staff of the country. The Bill merely went on the principle of that brought in for the reduction of the militia corporals by Sir Henry Hardinge, by a reduction now of the non-efficient serjeants, and would be followed, before the Session ended, by another measure to provide for the pensions of those reduced from the present staff. The Government could therefore not be charged either with cruelty or inhumanity.

Lord *Granville Somerset* denied the advantage which was supposed to arise from reducing the present Militia Staff so low as to make it wholly inefficient. By the proposed reduction of the drummers, that useful body, not so soon trained, would be wholly unavailing should any emergency arise. He had not heard the Bill defended either on principle, on grounds of economy, or of expediency. He should be glad to know what would be the amount of saving after the Bill for regulating the pensions of the reduced staff had passed. He thought, rather than this measure, it would be better to abolish the Militia Staff altogether.

Viscount *Howick:* Sir, the noble Lord has said, that this Bill is exceedingly inconsistent:—that we should have done one of two things either got rid of it altogether, or not to have reduced it at all: that if we proposed the present reduction on the ground that the Staff is inefficient, it is the grossest possible absurdity to render the Staff still more inefficient by diminishing it to such an extent that it will be utterly impossible to keep it up at all. Now, Sir, if this measure was intended to be final I admit there would be some force in the argument of the noble Lord. But I think it is impossible for any man to look at the Returns upon the Table from the Inspecting Officers, and not see it is the most absurd waste of money that ever was made by any country, to carry on the existing system at all. The expense for what is called the actual service (exclusive of the "dead weight") of the Militia, is no less than 96,000*l.* per annum. This amount is much swelled by the Dead Weight; and the whole amount, from keeping up the Staff, &c. is no less than

243,000*l.* a-year. The total amount lavished on this service, since the peace, (without, I may venture to say, producing the slightest return, or doing any actual service in any shape whatever)—the total amount lavished on this service, since the peace, and since the disembodying of the Militia is no less than 6,084,000*l.* This amount was proved in Committee on the Militia Estimates: and it was agreed by that Committee that the Inspecting Officers of the regular Army should be required to ascertain the state of the Militia, and the state of the Body was such that they advised a total change in the system. When the present Government came into office, and came to examine the Reports of those Officers, it was quite impossible for us to say that the system should be kept up in the present situation of the country: it was perfectly obvious that some important change must be introduced. But while we saw the necessity of a change we had no wish altogether to do away with some Establishment for providing the means to discipline a Militia, should it hereafter be necessary to be called into exercise. At the period of the year at which the present Government came into office with numerous important questions pressed on our attention, it was impossible on such an important subject to select and carry out a definite measure for establishing a reduced but an efficient establishment for providing the means of disciplining the Militia whenever it was called for. Then the course we took was this, Sir—that we should at once pension off those included in this Bill at the sums they would probably come upon the country for at some future time, but without filling up their places; and avoid pensioning off those who are yet efficient for any good purpose. In the next Session, these men being still in the receipt of their pay, it will be for the House to determine whether arrangements may not be made by which a small but sufficient Staff may be established. Such Sir, are the grounds on which this measure is proposed. My reasons for doing away with the drummers are very obvious, for, first the opinions of Militia Officers themselves are very contradictory as to the facility of obtaining them in cases of emergency: some saying that they are easily obtained: others the contrary. I think it is clear that you may have a good Militia with very inefficient drummers. I would also beg hon. Members to look at the Reports of the Inspecting officers, and they will see that they Report that many of the present drummers have never been regularly instructed. Such, Sir, are the grounds on which this Measure is proposed, I trust it is one which will receive the support of the House.

HOUSE OF LORDS,
Saturday, August 9, 1835.

MINUTES.] Petitions presented. By Lord BROUGHAM, from Inhabitants of Bristol, to be heard at the Bar to rebut the Evidence against the Corporation Bill; and by the Duke of WELLINGTON, from the Corporation of Colchester, to be heard by Counsel at the Bar against the Bill; and also from Monimail, for further Church Accommodation in Scotland.

CORPORATION REFORM.] Counsel and evidence having been again heard and withdrawn,—

The Earl of *Wicklow* said, he was desirous without stating one word as to the effect which the evidence had on his mind, of asking those noble Lords who had voted for the hearing of counsel and receiving of evidence, whether their object had not been sufficiently attained by the examination of the witnesses whose testimony had been already given, and whether these proceedings might not be now brought to a close? It appeared to him, considering the present advanced state of the Session, and the business which would in all probability be brought before their Lordships, that it would be desirable, unless their Lordships thought it absolutely necessary to hear further evidence, that they should now put an end to these proceedings. With this view he begged to move "That the evidence on the Corporation Bill be now closed."

Lord *Brougham* held in his hand a petition, the contents of which might perhaps throw some light on the question before their Lordships. It was signed by an immense body of respectable persons in the city of Bristol, and it set forth a very distinct and particular answer to the various matters which appeared, as alleged, against them at the Bar of that House. They expressed their confidence that they should be able to rebut everything which had been asserted against them; and they prayed to be heard by counsel and witnesses in their own vindication, and in furtherance of the objects of the Bill, which they earnestly prayed might pass into a law. He said he had consented to present this petition; and though he had the greatest respect for the individuals whose names were appended to it, yet undoubtedly he should be the last person to ask their Lordships to permit (nor did he himself think it feasible to allow) that they should be heard by either counsel or witnesses. He thought it would be better to take another course, one which was called for at this particular period—one which would not weaken the justice of their case, and which he felt he might add would be more conformable to the general wishes of their Lordships, and that was, that instead of asking them to comply with the prayer of this petition he should simply ask (not on that day, but on some fitting occasion) to be allowed to read at length this petition. This was almost a matter of right; and, by granting it to these petitioners, they would have the benefit of putting on record their answer to the charges which had been preferred against them. The reason he chose this course was, because he knew there were many more persons similarly situated, and equally anxious to have their allegations sustained by evidence at the Bar. Indeed, he was himself aware that half a dozen places were preparing petitions exactly to the same effect; and he was, therefore, unwilling that the door should be opened in this case by the hearing of evidence; because, if it were, it could not be shut with regard to other cases. His anxiety, then, for the further procedure of this most important measure, and his wish not to detain their Lordships for an unreasonable, and he might say, an indefinite length of time, were his only reasons for not pressing upon their consideration the prayer of these petitioners.

Lord *Ellenborough* said, that it was extremely desirable that the evidence should close; but he could not agree with his noble Friend as to the precise terms of his Motion. He could not see how their Lordships, consistently with their own order, could refuse to hear any further evidence which might be tendered against the Bill, or on behalf of the accused Corporations. A Resolution might, however, be adopted by their Lordships, that several parts of the Bill had been sufficiently elucidated by the evidence heard at the Bar of the House against them. He thought their Lordships could not be more enlightened on the subject than they were. He merely intimated this opinion as to the course most proper to be pursued on a matter of such extreme importance, without venturing to shape any tangible motion on the subject. He agreed fully with the substance of his noble Friend's Motion; but he did not think it was precisely what it should be in point of form.

The Earl of *Wicklow* had framed his Motion for the purpose of avoiding the objections which his noble Friend had started, for fear it would, if otherwise shaped, lead to a discussion on the whole case so desirable, at present, to be avoided.

The Duke of *Wellington* said, that the most parliamentary course to pursue, if their Lordships thought they had heard sufficient evidence, would be to direct Counsel to withdraw, and then to proceed with the Bill, without coming to any previous Resolution whatever.

Lord *Brougham* said, if the course wisely suggested by the noble Duke were adopted, their Lordships would never have another application to hear further evidence.

The Earl of *Falmouth* said, that if corporators living at a distance, and not having had time to prepare their cases, and collect and send up their witnesses, were to be excluded altogether from a hearing before their Lordships it would be a very great hardship indeed. He apprehended that from the tenor of their Lordships' order, if Counsel insisted on their witnesses being heard, they had a right to a hearing, as far as they could have any right in opposition to the wishes of their Lordships. He held a statement in his hand complaining of the gross mis-statements of the Commissioners in the case of one borough—the borough of Truro. The corporation of that borough were twenty-four in number—all gentlemen of no common order, who had spent their lives in the town, many of them being of great age, and who had for a long series of years unremittingly devoted themselves to its best interests. They now, however, found themselves, grossly libelled in the Report of the Commissioners for that borough, and accused of mismanagement of the Corporate Funds, of perversion of charitable trusts, and of other acts of a similar nature. In several other ways they were assailed by the grossest misstatements, every one of which they were ready, and fully able, to disprove at their Lordships' Bar. If they were not to be heard in justification after such attacks he thought it would be a very great injury done to them. Believing, however, that their Lordships were incapable of that, and knowing at the same time how desirous their Lordships were of coming to a speedy conclusion on the Bill, by putting a stop to further evidence, and concurring entirely in that respect with their Lordships, he should not hesitate to bow to their decision, conditionally, that, if circumstances should arise to demand it, he should have the privilege of examining witnesses on the part of these gentlemen. He thought it was much too hard that gentlemen, honourable and zealous during their whole life-time for the prosperity of the town, should go down to posterity with a stigma on their characters.

The Earl of *Carnarvon* said it was of the highest importance to proceed as rapidly as possible with the business of the Session. Of the petitions which were presented to their Lordships, praying to be heard by Counsel, there were only two remaining undisposed of. He, therefore, thought it advisable to stop where they were; and the best mode of effecting that end would be to adopt the proposition of the Noble Duke. He did not deem it necessary to hear further evidence, because he believed that no change could be wrought in the impression produced in the minds of their Lordships by what they had already heard.

The Earl of *Wicklow* had no desire to press his Motion, and he should, therefore, withdraw it. The course suggested by the Noble Duke was the more Parliamentary and regular one; and he (the Earl of Wicklow) should, therefore, willingly give way to it. He had made the Motion in the presence of Counsel, for the object of putting them in possession of their Lordships' sentiments on the subject, to the end that they might be spared further trouble, and their clients further expense.

Viscount *Melbourne* said, that as it was the opinion of the House the Bill should be gone on with, he was disposed to proceed to the Order of the Day in that respect as quickly as possible. He had received petitions from various parts of the country in favour of the Bill, and contradictory of the statements made by witnesses examined before their Lordships. He had one in particular from Manchester, signed by a great number of persons; and another (from a place, the name of which we could not learn) having equally numerous signatures. They contained counter-statements to the evidence taken at the Bar, and he would present them on Monday.

Bill to be committed on Wednesday.

HOUSE OF LORDS,

Monday, August 10, 1835.

MINUTES.] Bills. Read a second time:—On the Motion of Lord FARNHAM:—North American Association.—On the Motion of Lord DUNCANNON:—Sheriffs' Declaration. Read a first time:—On the Motion of Lord BROUGHAM:—Publication of Lectures.

Petitions presented. By the Duke of WELLINGTON and the Earl of LONSDALE, from Dover, Carlisle, and Kirby-in-Tendal, against; and by the Duke of GRAFTON, the Earl of LONSDALE, Viscount MELBOURNE, Lords STRAFFORD, POLTIMORE, and BROUGHAM, from a great Number of Places,—in favour of the Municipal Corporations' Bill.—By the Archbishop of CANTERBURY, from Keighley, for Amending the Factories' Regulation Act.—By the Earl of ABERDEEN, from Paisley, for further Accommodation in Scotch Churches; and by the Marquess of WESTMINSTER, from Westminster, for Corporation Reform.

CHURCH COMMISSION (SCOTLAND).] The Earl of *Aberdeen*, on presenting a Petition from the Town Council of Caithness, praying for the Protection of the Church of Scotland, said, he would take that opportunity to call the attention of the noble Viscount opposite to a subject of much interest. He alluded to a Commission which had been issued by his Majesty's Government, the object of which was of the most extensive and important nature. It was appointed to inquire into what opportunities for public worship, for public instruction, and for pastoral superintendence, were afforded to the people of Scotland. It was, he conceived, difficult to imagine an inquiry of more serious importance. The noble Viscount was perhaps aware that the nomination to this Commission, and the composition of its members, had already excited great dissatisfaction amongst the members of the Church of Scotland. If, however, the noble Viscount was not acquainted with the fact, he could state it to him from the most unquestionable authority. He did not complain that the Commission was wholly composed of Whigs, or (as had been said on another occasion) of Whigs and something more; nor did he complain that the paid portion of the Commission, to whom the active part of the business was left, were lawyers of small repute, but what he did complain of was, that the majority of active paid

Commissioners attached to this Commission were known to entertain sentiments hostile to the Establishment altogether. One of these gentlemen was an avowed supporter of what was denominated the voluntary system; he had not only spoken in favour of it, but he had published a work in support of his opinion. Another of these gentlemen, acting upon the principles of honour and consistency, had declined being elected a member of the General Assembly of the Church of Scotland, in consequence of his having come to conclusions hostile to the connexion of Church and State. Now, he would ask, was it right, was it fair, was it decent, that the interests of the Church should be intrusted to individuals holding such opinions? The deputation of the General Assembly of the Church of Scotland, which had been recently in London, had reason to expect the appointment of a Commission of a very different description; and, therefore, their surprise was great indeed, when they saw, contrary to the assurances that had been given them, how the Commission was filled up. He knew that there were some respectable names on that Commission, but the majority of the Commissioners were such as he had described. The Standing Committee of the Church of Scotland lost no time in meeting when the fact came to their knowledge. They came to an unanimous Resolution, in which they declared, "that the Commission, as at present constituted, was such as to excite the apprehension of the members of the Church." That Resolution, expressive of their feelings, was officially communicated to his Majesty's Government. Now he intreated the noble Viscount opposite, if it were meant that this inquiry should be carried on to really useful purposes, if it were intended that it should be beneficial to the country (and here he would observe that his Majesty's Ministers had cut out work enough for this Commission, work, he would say, far beyond the power of the members of which it was composed), he would humbly recommend to the noble Viscount to add to the Commission a certain number of men whose hostility to the Church was less problematical than that of the majority of those who constituted the Commission as it at present stood.

Viscount *Melbourne* said, he was not aware that a majority of the Commissioners were hostile to the Church, or that their appointment had given general dissatisfaction. He could not help saying, that on this, as well as on other occasions, great stress was laid on what men's political opinions were, instead of looking to what were their moral feelings and their capabilities for performing the duties assigned to them. The greatest possible mistakes were continually occurring in consequence. He certainly had met very distinguished members of the Church of Scotland on the subject. He had had much conversation with them, and he had promised them, on that occasion, that the Commission should be impartially selected. By impartial, he meant a selection of men fitted to fulfil the purposes generally contemplated by the Commission—namely, to inquire into the whole state of religious education in Scotland. To effect that object, he thought it was necessary that there should be on that Commission representatives of all opinions. That was the course which he deemed it advisable to take. He would contend that the Commission was most respectably constituted, and would, he doubted not, perform its duties efficiently. The noble Earl asserted, that the interests of the Church of Scotland were placed in the hands of those Commissioners. Such was not the case. The Commissioners were merely called on to inquire into the present state of the Church of Scotland, and to report thereon. He could not state what the opinions of the Commissioners were on the points alluded to by the noble Earl, but he did not believe that they were hostile to the Church of Scotland. In his opinion, the Commission was prudently, wisely, and impartially constituted, with respect to the duties to be performed.

The Earl of *Aberdeen* did not object to the Commissioners appointed being of a particular political party; all he desired was, that they should entertain a friendly disposition towards the Church of Scotland. This Commission was, however, so constituted, as if its object was to inquire, whether there should be an Established Church in Scotland or not. If that were the object, it was natural that some persons should be appointed on the Commission who were opposed to an Established Church; and as the noble Viscount thought that representatives of all opinions ought to be attached to the Commission, he might have introduced some of those philosophers, many of whom might be found in Scotland, who would declare, that in their view of the question there ought to be no religion at all. If, however, he understood the noble Viscount, Government wished to uphold the Church of Scotland; and yet, how did they proceed? They appointed as Commissioners persons who had avowed their hostility to that Church. One gentleman printed his sentiments, and another declined being a member of the General Assembly, because he was unfavourable to the principle of a Church Establishment. If Ministers intended to uphold a Church Establishment in that country or in this, was it proper, was it decent, to appoint persons who professed such sentiments to inquire into its situation? He was grieved when he was informed of that Commission. The names of the active paid members were totally unknown to him. They were lawyers of very small repute, because he was certain that he should have known them if they had any great standing or character at the Scotch bar. If the noble Viscount wished to give satisfaction to Scotland, he would infuse names into the Commission that would give confidence to that country. He left political opinions entirely out of the question. He merely wished such men to be appointed as, from their calm and deliberate feelings, were likely to give satisfaction. So far from the present Commission having given satisfaction, it had excited great discontent in Scotland. Last year the noble Viscount was not hostile to the claims of the Church of Scotland. The noble and learned Lord (Lord Brougham) had also, in a very able speech, pointed out the claims of the Church of Scotland to the notice of his Majesty's Ministers; and a noble Lord, whom he now saw in his place, thanked the noble Viscount in the name of the Church for the manner in which Government seemed disposed to take up the question. He hoped that the noble Viscount, after the resolution and remonstrance of the General Assembly, would make such an addition to the Commissioners as would afford satisfaction.

The Earl of *Minto* said, that the noble Earl spoke in a manner as if his object were to induce their Lordships to believe that this Commission was conceived in a spirit hostile to the Church of Scotland. If he could have believed that that was so, no power on earth could have induced him to take a part in the Commission. He was attached to the Scotch Church most sincerely. He was a member of it; and he should not have consented to be made a party to the Commission, if he did not believe that the larger portion of the Commissioners was friendly to it. With regard to those whom the noble Lord had called the working Commissioners, he believed that most of them were friendly to the Church; and with regard to the rest, he believed that they were friendly to it, though they might not be friendly to the particular scheme which had given rise to the inquiry. He believed that the inquiry would be beneficial to the Church of Scotland, and that the proceedings would be fairly and impartially conducted. When he said that he would not have taken part in the Commission if he had believed that it was conceived in a spirit adverse to the Scotch Church, he ought to have added that he would not have done so if no representatives of opinions opposed to his own had been included in the Commission.

The Duke of *Buccleuch* said, that it gave him great pleasure to hear the noble Earl declare that it was his intention to maintain the Church of Scotland, and that he entertained friendly feelings towards the Establishment; for whether on good or bad grounds it was impossible to say, but the noble Earl had not that reputation. He had received several communications from persons who were much alarmed at the appointment of these Commissioners. He himself was attached to the Scotch Church, though he was not a member of it. He hoped the noble Viscount would have no objection to lay on the Table a copy of the Commission, though perhaps it would be asking too much of him to request a copy of the instructions to the Commissioners. His opinion was, that the moment the Established Church was not supported it would be destroyed, and that with that would be annihilated everything worthy of being kept, including all that was valuable in the moral and religious condition of the inhabitants of Scotland.

The Earl of *Minto*, in reference to what the noble Duke had said as to the reputation regarding his opinions, observed that he was well aware that great pains had been taken by certain persons to spread the belief that he was not friendly to the Church of Scotland. That belief, however, was not entertained for an instant by those who knew him or had any means of knowing his opinions. With respect to the danger which the noble Duke supposed to threaten the Church of Scotland, he entertained no such fears, for he was well convinced that that Church was so thoroughly rooted in the affections of the people of Scotland as not to be shaken by any such means.

Petition to lie on the Table.

CORPORATION REFORM—PETITIONS.] Viscount *Melbourne* presented a Petition from Manchester, signed by 22,832 persons His noble Friend had already stated why it would be unwise now to go at length into observations upon petitions, and he should therefore, confine himself to mentioning that as soon as the news was received at Manchester of the determination to hear Counsel, and the people thought that the Bill would be delayed, they at once convened a public meeting on the subject.

Lord *Brougham* had been requested by the highly respectable individuals who had forwarded the petition to his noble Friend, to second its prayer. He did not understand that his noble Friend had stated the period of time within which the 23,000 signatures were affixed — they were all obtained within twelve hours. He was desired to add another observation. The reason—and he had received this information from highly respectable individuals whom he had long known in that part of the country—the reason why the petitioners had not adopted that other, and in his idea that best mode of expressing their opinions, not only to that House but to every other body and every other quarter—he meant by public meeting, publicly called and publicly announced—was, that there really was not time to call it, and to give the necessary notice to the inhabitants of Manchester of the intention to hold it.

On the Question that the petition do lie upon the Table,

The Duke of *Newcastle* thought it right to make their Lordships acquainted with the contents of a letter he had received that morning respecting the petition. The letter stated that it had been got up in the way in which such petitions very frequently were—by obtaining the signatures of persons who were perfectly incompetent to affix their signatures to it. He would read the letter, which, as their Lordships might suppose, was from a very good Conservative. The noble Duke then proceeded to read the letter. It stated that the Radicals of Manchester had been getting up a petition in support of the Corporation Bill, in consequence of the Lords still being in a majority against the Bill, which the Commons had sent up to it. The writer begged to state how the petition was getting up. It was by placing tables at the corners of the public streets, and getting all such persons as could just scribble their names to put them down; as the boys came out at their dinner-hour from the factories they were called to sign their names: not one of them knowing what they were signing. "I hope," added the writer, "I hope you will explain to the House this trick, carrying on by the Whig-Radicals—the representative party of our blessed House of Commons. If the qualification were higher, we would not have such Members as we now have. You may rely upon it that the property and prosperity of this borough are Conservatives." Now the writer of this letter certainly was not a very great scholar—but it contained matter worthy their Lordships' consideration notwithstanding. He (the Duke of Newcastle) would only say, in conclusion, that he was astonished at the Commissioners making such a Report as they had done, upon the most partial and false statements. He thought their conduct deserving of the severest reprehension of that House, and if any proposition to that effect were brought forward, he, for one, would cheerfully vote in its favour. He did not believe that the majority of the people advocated the Bill, but that the excitement in its favour was fomented and encouraged by his Majesty's Government.

Lord *Brougham*: My Lords, I hope the noble Duke, if he means to punish these Commissioners, does not, at all events, mean to punish them without first hearing what they have to say in their own behalf. Why, the noble Duke's mind is so far made up, that he is prepared to punish one side without hearing a word in its defence; he is ready not only to pass sentence, but to execute it immediately upon these Commissioners. Now, my Lords, I have no objection to rise in my place in defence of these Commissioners—not now though, but when the time comes—and I pledge myself to show your Lordships, not on their own showing, but on the statement against them, without adducing any one word in their favour, that there is not one thing in which the slightest objection can be taken to them or the slightest impropriety laid to their charge. The noble Duke has anticipated the decision of your Lordships on a main point of the inquiry, with which we are not at this time entitled to deal, the evidence not yet being weighed, or even printed, if I understand truly. He not only anticipates the decision of your Lordships, but enters into a discussion upon the subject. I do not mean, I can assure you, my Lords, to follow the noble Duke's example further than to say, that I suppose his anonymous correspondent, who, as he says with considerable justice, has not had much of the benefit of the schoolmaster, can at least sign his name. Now, I want to see a specimen of his handwriting; of course I shall be better able to judge of the fact, if the noble Duke will have the kindness to hand over to me that letter with the name signed to it; but I have not much doubt that it will be found to be that of an individual very well known in Manchester, who has been—I will not say slandering—I will not say misrepresenting — I will not say calumniating —-but speaking on all occasions, with reference to this subject, in a very unreserved and somewhat violent manner. He may be a very good Conservative, as the noble Duke says, but he has been a very bad speaker, on every occasion, and at every turn, for a very considerable time. As to only Radicals having got up this petition and signing it, I can only say, that I know one or two persons very well indeed, who have come up with it, and they are just as little Radicals as the noble Duke himself—which is perhaps saying very much. One of these gentlemen is one of the most respectable individuals in Manchester—a country banker, second to none in this country—of such wealth as I do not know whether many of your Lordships envy, but as I do very much—a very sensible man on all points —and one of the most quiet, most moderate, and most temperate politicians of any sort or kind that I ever have known in my experience; and he never was thought to be a Radical. Mr. George William Wood is, but Mr. Heywood is not, a Member of this—what is it?—good-for-nothing Parltament, that this anonymous gentleman talks of? Precious Parliament, was it not? [The Duke of *Newcastle:* Blessed.] Oh, aye—blessed. We have heard of various Parliaments the *Parliamentum indoctum* among others; but I, for one, never heard of the *Parliamentum benedictum;* nevertheless, if the present Parliament pass this wholesome and blessed measure of Corporation Reform I think the name the noble Duke has given it may well belong to it, and that it may well and justly be called "the Blessed Parliament" ever afterwards. Mr. George William Woods, I was about to say, my Lords, has been elected since the Reform Bill; but Mr. Heywood was a representative under the old system, and before the passing of the Bill of 1832, of blessed memory.

Lord *Ashburton* deprecated the introduction of a system of universal suffrage, the effect of the annual exercise of which, in towns like Manchester, Birmingham and Sheffield, could not be too strongly dreaded. He could not conceive how malevolence itself could introduce into any place which was the resort of manufacturing industry a greater curse than the Corporation Reform Bill must inevitably prove. If he were an inhabitant of Manchester, his first object would be, to exempt that town from the operation of the Bill; indeed, he had heard that many of the respectable inhabitants had intended to petition for a Charter of their own. On reference to the petition before the House even, he was at a loss to find that the extension of the provisions of the Bill to Manchester formed any part of its prayer.

Lord *Brougham*: the noble Baron had said that if he belonged to Manchester his first wish would be that the Corporation Bill should pass over that great and flourishing town, and he had the satisfaction of finding that the inhabitants of that town differed totally and entirely from the noble Baron. They strongly desired, he knew, that the Bill might extend its benefits to them. One of the bodies of the greatest interest among them had met and consulted upon the very point to which the noble Baron had adverted; but the idea suggested itself to them—it ought to have suggested itself to the more accurate mind of the noble Baron, who had read the petition and not the Bill—that it would have been a most preposterous thing for them to have applied to Parliament for a Charter, when the provisions of the Bill gave them the power of applying for that Charter elsewhere. They, therefore, postponed their application until the happy and long-wished-for period of its passing arrived, when they would apply for it—not to Parliament—but under the provisions of the Bill to the Executive Government. They had, in fact, no Corporation at present, possessing merely the remains of a manor Court, which might have suited Manchester very well as a small hamlet, but was totally inapplicable to a great, populous, and flourishing town.

Lord *Ellenborough* confessed that on reading the prayer of the petition he came exactly to the same conclusion as his noble Friend below him (Lord Ashburton) had done. If it really was the desire of the inhabitants of Manchester that the provisions of the Bill should extend to them, they must have changed their opinions very materially within the last six or eight years, inasmuch as about eight years ago they applied to Parliament for a Bill which gave them, in fact, a local corporation for purposes of police; but a Corporation under local Acts was as different as possible from those proposed to be established by the Bill. If they desired the Bill to extend to them, they practically petitioned against 240 gentlemen elected annually under that system, one-third going out in three years. They had a stipendiary Magistrate; they enjoyed at present all the means of a good and quiet Government; and, above all, there was a limitation to the tax that could be imposed on them for maintaining it.

Lord *Brougham* said, that if he were not much misinformed, those very 240 respectable persons to whom the noble Baron had referred had actually met on this very point, and had only postponed the presentation of a petition on the subject for the very reason he had himself stated when he had addressed the House.

Petition to lie on the Table.

On the presentation of a petition from Coventry by Lord Melbourne,

Viscount *Strangford* said, that on Monday last the ancient town of Coventry was thrown into a state of greater excitement than it had ever been since the time of the celebrated exhibition of the Lady Godiva, a paper with the heading 'Most Alarming Crisis,' was extensively circulated, and the public were informed that papers were left for their signature at the Prince's Head, the Woolpack, the Rose and Crown, the Hand and Mace, and other public houses therein named. He had received a letter on the subject from a most respectable correspondent, in which the following passage occurred:—"Several of our friends went late last night to the different public-houses where the petition was represented as lying for signature, and there only saw blank sheets, which they were requested to sign. They were elected, it was true, by what was now considered a high qualification, but the government of Manchester was a popular one. They were shortly told the purport of the petition, but were not permitted to have a sight of it. No doubt many of the signatures will be forged, and it is of the utmost importance to the public that the truth should be exposed." It then went on to state that the petition presented against the Bill had the residence of each of the petitioners affixed to it. Would the noble Viscount inform the House whether the places of residence of the petitioners were affixed to the present petition?

Viscount *Melbourne:* It is not usual to affix the residences of the petitioners to any petition.

Viscount *Strangford:* It is strong evidence of their respectability.

Viscount *Melbourne:* It was not evidence that was usually furnished. The noble Lord's correspondent stated, that there was no doubt many signatures would be—not had been—forged; and that it was necessary the truth should appear. He agreed with the writer of the letter. It was necessary that it should appear, and be established too. The petition was very temperately worded: it was short, and its contents might easily have come to the knowledge of those who signed it.

On the motion that the petitions lie upon the Table,

The Duke of *Newcastle* had never intended to charge his Majesty's Government with fomenting those dissensions or the agitation in the country. He put it, however, to the noble Viscount whether such assertions as had issued from a newspaper, which on the authority of the noble and learned Lord opposite might be called a Ministerial paper (he meant the *Morning Chronicle*) had not that tendency. The article to which he referred contained the following sentiments;—"We will not so far libel the character of our countrymen as for a moment to suppose that when victory is about to crown their efforts, they will weakly turn their backs on the foe and submit to be trampled on by infuriated oligarchs. Throughout city, town, and village, we expect to see the people once more at their posts, prepared to crown the work which added so much to the national glory in 1832. Repose from incessant and most harassing agitation they never can expect till they humble the oligarchy in the dust; for submission would only make these tyrants more insolent in their exactions. With a hostile Court and a hostile Peerage, they must have no truce till they have deprived both of the power of doing mischief." He (the Duke of Newcastle) called upon the noble Viscount to state, whether he intended to direct the Attorney-General to prosecute the publishers of this most villainous article, affecting, as it did, the dignity and safety of the Crown. He quoted this article from the *Standard* of the 5th of August, but this article was all of a piece with those emanating from the publication (*The Morning Chronicle*). He contended that it was the duty of the Government to prosecute such diabolical observations as these —observations calculated to deprive the Crown of all favour in the minds of the people.

Viscount *Melbourne* said, he was not responsible for that or any other article which might be sent forth to the public through the medium of the public press; nor was he called upon to pronounce any opinion upon the article which had been quoted by the noble Duke. It was unnecessary that he should now go into any details as to the principles on which the Government would act; he would merely say, that he had heard of many articles sent forth to the public of which he did not approve, and that with respect to that quoted by the noble Duke it was not his intention to institute any prosecution.

The Duke of *Newcastle* said, that he had only asked the question of the noble Viscount in order that he might show by his reply his anxiety to save the name of the King, being so much polluted as it was in the article to which he had adverted.

Petition to lie on the table.

HOUSE OF COMMONS,

Monday, August 10, 1835.

MINUTES.] Bill. Read a second time:—Peace Preservation (Ireland).

Petitions presented. By Lord DUDLEY STUART and the ADVOCATE-GENERAL, from several Places,—for a Public Grant to the Polish Exiles.—By Mr. SHARMAN CRAWFORD and Sir EDMUND HAYES, from Donegal,—for a Revision of the Excise Law; also for a Clause in the Irish Tithe Bill.—By the Marquess of CHANDOS, from the Medical Practitioners of Buckinghamshire, against the inadequate Payment proposed in the County Coroners' Bill for Medical Attendance at Coroners' Inquests.—By Mr. W. EWART, from Stradbroke, for Relief, and the Allotment of small Plots of Land to the Poor.—By Captain PECHELL, from several Places, against Tithes on Turnips meant for the use of Cattle or Sheep.—By Mr. WABBURTON, from the Medical Profession of Ulster, for Protection in the Exercise of their Profession against Municipal Corporations and other Restraints; from the Medical Practitioners of Glasgow, against the Glasgow University Bill; from Bridport, for the Repeal of the Stamp Duty on Newspapers.—By Mr. R. WALLACE, from Greenock, in favour of the Royal Burgh (Scotland) Bill; also against the Light Houses' Bill.—By Sir EDMUND HAYES and Mr. W. DUNCOMBE, from two Places, against the Church of (Ireland) Bill.

REGISTRATION UNDER THE REFORM ACT.] The Marquess of *Chandos* had a Petition to present from certain Freeholders of Marylebone, complaining of improper interference on the part of the Select Vestry in the registration for the county of Middlesex. The petitioners complained, that forty-two names had been surreptitiously inserted in the list of voters in that borough for the county of Middlesex; they stated that those forty-two names appeared in the printed lists affixed to the church-door, and though they had never been inserted in the list made out by the overseer, the Marylebone beadle afterwards paid 42*s.* to the overseer on the account of those names; no claim had ever been made to the overseer by any of the parties whose names thus appeared on the list to have them inserted there; one of those names was that of the hon. Member for Marylebone (Sir Samuel Whalley); and the said forty-two persons claimed the right to vote from a certain burial-ground and a yard belonging to the parish. The petitioners prayed the House to adopt some measure to prevent such a surreptitious mode of proceeding, and such a gross infraction of the provisions of the Reform Bill. The noble Marquess observed, that such was the statement made by the petitioners. He trusted that the hon. Member for Marylebone would be enabled to give such an explanation of this matter as would lead the House to believe, that those names had not been improperly inserted in the list of voters. He was bound, however, to state that he had it upon the most respectable authority—authority that he had no reason to doubt—that those names had been improperly inserted in the list by the Select Vestry, after the overseer had made out and sent in that list. If that were the case, and if such a course of proceeding were to be tolerated, there could be no faith placed in the list of any overseer in any part of the kingdom.

Sir *Samuel Whalley* said, that with every wish to afford every facility to the right of petition, he must say, that he thought the House should not receive this petition. With regard to the first allegation in the petition as to an alleged improper interference on the part of the Vestry with the list of voters, he begged to state, that by the law in Marylebone the custody of the rate-books was placed in the hands of the Select Vestry; by the law there, the overseer had no access to them, and it was not in his power to complete the lists of voters without first submitting them to the Select Vestry. By the law, therefore, under the Reform Bill, the Vestry was obliged to act, and it did act, in making out the list of voters. It did so in its own Court. It had acted so for the last three years in assisting the overseer in making out the lists, and during all that time there had not been a suspicion that a single name had been inserted or omitted in the lists improperly. That was all that the Vestry had done in this instance. He was authorized to give the most positive and unequivocal denial to the allegation in the petition, that the Vestry, as a Vestry, had otherwise interfered. It was true, that individual Members of the Vestry, acting not as the Vestry, but in their individual capacity—it was true, that such individuals, to the number of forty-two, had claimed to be inserted in the register for a property of 3,000*l.* a-year and upwards, belonging to the parish, and from which they, as Members of the Vestry, thought they derived a right of voting. He conceived that the noble Lord should be the last man to object to a registration of votes from *bonâ fide* property. That claim was still to be decided before the Revising Barrister. He would not, therefore, prejudice it by entering into any statements with regard to the manner in which it was to be made. The noble Marquess should know that all the matters connected with this claim to which this petition referred were still to come before the Revising Barrister for his decision, and surely the noble Marquess, with that high sense of justice which he possessed, would not desire to do anything that might prejudice claims that had still to be adjudicated before a legal tribunal. The noble Marquess, who was remarkable for keeping his pledge when pledges were so recklessly and disgracefully broken by Members on his side of the House, would surely not be a party to such an unjust proceeding. The House of Commons was not the tribunal to decide the matter; it should in common justice be left to the Revising Barrister. He would tell the noble Marquess most unequivocally, that with the exception of the first thing stated in the petition, which he had explained as originating in the peculiarity of the law in Marylebone, the Vestry, as a body, had not done a single act attributed to them by the petitioners. Whether the parties were right or wrong in making the claim they did to be put upon the list, he would not say, contenting himself with repeating that that must be determined by the Revising Barrister.

Mr. *Charles Ross* said, that there was not an allegation in the petition against the Vestry with the exception of that which the hon. Member himself admitted — namely, that they had appointed a Committee of Registration. The petition stated that a gross fraud had been practised by the insertion of those forty-two names. Now the very fact which the hon. Member admitted as to the Vestry fully justified the petitioners in making that charge. If the Vestry were to act with the overseers in the preparation of the list, and if the overseers could not act without the aid of the Vestry, then the Vestry became responsible for the transaction, and was one of the parties chargeable for it. The charge in the petition was this—that after the overseer had closed the lists, and sent them to be printed, the Vestry took possession of the list, and that at a time when no more claims could be sent into the overseer, forty-two claimants were put upon the list, whether with or without the cognizance of the said claimants, he (Mr. Charles Ross) could not say. He did not want to argue the merit of those claims. He would maintain, however, that the petitioners had a perfect right to make the complaint they did. That complaint was, that long subsequent to the time prescribed by the Act of Parliament for the officers receiving notices of claims, those names were inserted in the list.

Mr. *Hume* said, that the law prescribed a regular tribunal for deciding this matter, and that before the adjudication of that tribunal took place, the House had no more right to interfere in the matter than it would have with a trial coming on in the King's Bench. He must protest against the House taking up this question now, or entering at all into its merits. What passed in that House should not affect the future decision of the Revising Barrister in this matter; but it might do so, and they should therefore take care not to create a prejudice one way or the other as regarded the question. If the Revising Barrister should make a decision open to objection, an appeal lay against it to that House, but the House had no right to take the matter into its own hands in the first instance. He thought the petition should not be received.

Mr. *Mackinnon*, as an inhabitant of Mary-lebone, must state that this transaction had given great dissatisfaction there. He was astonished to hear the hon. Member opposite assert, that when petitioners felt themselves aggrieved, they should not complain. These forty-two names were foisted on the list while all the other Members of the Vestry were ignorant of the claim. Thus, a positive injury, supposing the claim a well-founded one, was done to the other Members of the Vestry. In proof that the thing had been improperly done, he would just ask the hon. Member for Mary-le-bone, whose name formed one of the forty-two, if he had been previously consulted before his name was put there? Let the hon. Member answer that question.

Mr. *Roebuck* must protest against such a question being put. The hon. Member had no right to put the question. The House had no right to entertain the subject. They were a Court of Appeal from the Revising Barrister, and had therefore no right to entertain a question which had still to be decided before his tribunal.

Mr. *O'Connell* would not shut out any petition, unless a substantial objection was raised to it. The petitioners complained that forty-two names had been illegally placed on the register. That was for the Revising Barrister in the first instance, and not for that House to decide. An appeal from that decision afterwards lay to that House. He submitted that this question should not be entertained by the House before the matter was adjudicated by the Revising Barrister.

Mr. *Goulburn* said, that there were two distinct questions at present before the House. One of them was, whether the parties placed on the register had any qualification—and if that had been the only question at issue, it might be left for the decision of the Revising Barrister; but it was not the only question at issue. The petitioners did not complain that persons had been inserted in the list who were not voters, but they did complain, that after the list had been sent away by the overseers to be printed, the names of certain persons had been surreptitiously placed upon it. The other question therefore was, whether the conduct of those who had surreptitiously placed these names on the list after it was prepared and sent away by the overseers to be printed should be investigated, with a view of providing a remedy against such proceedings in future. It was said, that other parties might have had their names placed on the list, if they pleased. Certainly they might; but they had not got their names placed on it, for they could only have got that done surreptitiously, and they were not willing to stoop to such improper practices.

The *Attorney-General* said, that it was quite clear that the prayer of this petition could not be granted. With all respect for the House, he had an opinion that the House could not interfere in any case determinable by the regular tribunals of the country, even after sentence, unless there were strong proofs of corruption adduced against them. Still less could it interfere with any case before sentence; because then "*lis est sub judice*." If in this list any name had been improperly inserted, or erased, it might be remedied, on proof of the fact, by the Revising Barrister. The prayer of the petition was, that the House of Commons should examine whether the lists had been properly prepared, and punish. ["*No!*"] No? He said yes. The petitioners humbly prayed, "that the House should take the subject into consideration, with a view to such further legislative enactment, as would provide for the punishment of those who had been guilty of this offence." The point, then, into which the Committee for which the petitioners prayed would have to institute an inquiry was, whether any names had been surreptitiously inserted in the list, and if so, by whom. That was a matter into which he submitted it was not competent for the House to examine. He would not go so far as the hon. and learned Member for Dublin, who said that this petition ought not to be received, but the prayer of the petition could not by any possibility be acceded to.

Dr. *Nicholl* said, that the prayer of the petition was not so much for inquiry into what was past, as for the means of punishing those who might be guilty of similar misconduct in future.

Mr. *Robinson* said, even were the petition laid upon the Table, it was not likely that the House would adopt any ulterior proceeding, though he had heard no good reason why it should not.

Mr. *Ormsby Gore* was confident that there was no good reason why this petition should be rejected. It was couched in respectful language, and the prayer was, that the House would vindicate the law. There was a Clause in the Vestry Act of Mary-le-bone, which enabled the Vestry to interfere with the overseers in making out the list. According to the same Act, any rate-payer had not only a right to inspect the books, but to take a copy of them. According to the Reform Act, the overseers were bound to furnish a list of the claimants to vote, and to sign that list. Subsequently to the time when the list was completed and sent to the printer's, forty-two additional names were inserted, and two guineas were paid into the bank to the credit of the parish, but not through the hands of the overseers. Such a mode of proceeding was irregular, as it would deprive the overseers of a power which they had at present under the Reform Act —namely, that of writing "objected to," against the name of any voter in the list. The prayer of the petition could not be reasonably objected to. Here were forty-two claimants for votes out of one burying-ground to the parish of Mary-le-bone. The teeth of the Cadmean dragon were never so prolific, and they ought to be denominated the "spectre-voters."

Sir *Samuel Whalley* said, the property was worth 3,000*l.* a-year.

The *Chancellor of the Exchequer* could see no sufficient reason for rejecting the petition on the general principle; what the House might do with it hereafter was another question.

Lord Viscount *Sandon* said, as the law at present stood, the parties injured had no remedy; there had been an improper interference with the persons whose duty it was to prepare the lists, and it certainly appeared to him, that persons who had been guilty of so gross a breach of the law ought to be punished. This was a case not provided for in the Reform Act, and, therefore, a very proper subject for a petition.

Mr. *Henry L. Bulwer*, being one of the Members for the Borough of Mary-le-bone, considered it his duty to state, that he knew nothing whatever of the facts; and he must do the noble Marquess the justice to say, that the petition could not have been laid upon the Table in a more temperate and proper manner. As to rejecting the petition, the question was, whether, after the statements made, the noble Marquess would not withdraw it? The House could not properly judge of that point until the matter had been brought before the Registering-Barristers, and they had adjudicated upon it.

Mr. *Wakley* was surprised that any hon. Member would think it extraordinary that fifteen claims should be registered out of one burying-ground, when, for one respectable Conservative building in the Strand, not less than eighty-five good respectable Conservative votes had been registered two years since, and fifty stood registered for it this year.

Sir *Thomas Freemantle* said, it was admitted that there was no other effectual means of investigation than by the House of Commons. An hon. Gentleman had said, that if the overseers had been guilty of inserting names improperly, they were liable to a penalty of 500*l.* But, in this case, there was no complaint against the overseers: the overseers had done their duty and obeyed the law. If any one of the forty-two gentlemen whose names were on the list would come forward and say, "I sent in my claim and desired to be registered," that would be perfectly satisfactory. But he understood that they one and all refused to do this, proving that their names were surreptitiously inserted.

Petition to lie on the Table.

UNSTAMPED PUBLICATIONS — SEIZURES.] Mr. *Roebuck* rose to bring forward the Petition of which he had given notice, and the presentation of which had been already once postponed, respecting a Seizure made under the authority of the Stamp-office. The petition, to a certain extent, involved the character of the present Government; but, although he felt strongly the injustice and misconduct of which it complained, he would state as calmly as he could the circumstances of the case. Process had been issued against two persons of the names of Cleave and Hetherington, but some time was allowed to elapse before it was acted upon. On a sudden, however, Government displayed an activity it had not previously shown, and entering the premises of one of the parties he had named, seized the types, presses, and printing materials there found. It happened that those types, presses, and printing materials did not belong to the individuals against whom Government had proceeded, and the owner put in a legal claim to them, which he had been given to understand had been so far established, that it was not denied. He did not complain that in this transaction Government had put into execution a law that ought never to have been passed, or had chosen to vindicate the existing law regarding stamps, but that, wishing to punish one set of persons for one class of acts, it had seized the property of another set of persons in consequence of another class of acts. A law was passed at the instance of Mr. Pitt, in 1799, which at least one Member of the present Ministry had good cause to remember, for the suppression of Corresponding Societies; and among other provisions, it enacted, that if printing presses were not registered with a magistrate, or at some given office, upon information upon oath, the premises where they were kept might be entered, and the presses seized. It so happened that the party to whom the presses belonged had not registered them, according to the law of 1799, and Government, wishing to reach Cleave and Hetherington, through the owner of the printing presses, seized those presses on the ground that they were not registered. He had been given to understand, though he could not vouch for the fact, that a very large portion of the printing presses in London were in the same predicament; that the owners of them were not acquainted with the law requiring registration; that it had not been carried into execution; in other words, that it had slept until Government, wishing to punish persons who had violated the Stamp Act, availed themselves of a statute that had passed into oblivion, and seized the printing presses of persons who had committed no offence but the neglect of a forgotten law. He submitted, that such a proceeding could in no way be justified; he held, in accordance with the spirit of the whole jurisprudence of England, that no man ought to be punished until he had been tried and convicted; but this law, passed in an unfortunate time, by an unfortunate Minister, who had no regard for the liberties of his country, and who had done more than any of his predecessors to perpetuate his own disgrace—passed for the suppression of discussion, and for the establishment of despotism, which had slept in oblivion for thirty-six years, had been revived, and called into execution by the present Liberal Government. He repeated that the law was not in accordance with the spirit of the jurisprudence of England; it was, indeed, in accordance with the spirit of the jurisprudence of another country, in which, at this moment, was going forward a monster process disgraceful to humanity; but he should be the last man to compare the Attorney-General of England to the Procureur-General of France. The late proceeding, however, seemed to originate in a kindred spirit, which he hoped would never be followed by similar consequences. No man's person or property ought to be seized until, by conviction, it was shown that he had rendered himself liable to punishment. Here punishment had been inflicted before guilt was established. It was one of the difficulties, and one of the imperfections, of our law, that it incarcerated the person before trial; but the same rule by no means applied to property, which was left untouched. It did not at all follow, that because a man was arrested lest he should escape from the law, that his goods also should be seized. In the present case, the rule acted on made the punishment fall upon one man for the supposed offence of another, and on this ground he complained of the act of Government—on this ground he appealed to the House; for whatever might be the intention of the Attorney-General with respect to the Stamp Duties, he had here got himself into a difficulty, by straining the law to his purpose. But it would be said, that the Attorney-General was bound to vindicate the law. He believed, that the Attorney-General would own it to be a bad law; but bad as it was, he would argue that it must be vindicated; and if the hon. and learned Gentleman were consistent in his vindication, he would not complain. But the hon. and learned Gentleman was not consistent; he could point out a case immediately connected with the present, in which the law was never put into execution, and yet it was violated every day. There was a law which imposed a penalty on every man who lends a newspaper, and yet there were, perhaps, many Members of the House, and nearly every member of the inns of court, who daily offended against it. Why had that law been made? That the revenue might not be diminished; for, if newspapers were allowed to be lent, the number of stamps issued would be fewer. It so happened that thousands, regardless of the law, regardless of the money of which the Exchequer would be deprived, in defiance of the Attorney-General, and in despite of the Stamp-office, were in the constant habit of lending newspapers, and yet the right. hon. Gentleman did not attempt to vindicate the law. Why, then, did this zeal for the vindication of the law, in this instance, animate him so suddenly? He admitted that the law against lending newspapers was a bad law, but the law against seizing printing presses was also a bad law, and if the Attorney-General vindicated the one why did he not vindicate the other? What was the worth of his excuse founded on the vindication of the law, if he were not consistent? In the same Act was a Clause making every man liable to a penalty who attended an unlicensed debating club. He had been a member of three or four debating clubs, not one of them licensed, and only one held in a licensed house; yet he had never been prosecuted by the Chancellor of the Exchequer, or by the Attorney-General, and why, if one part of the law was to be called into new life, was not the other to be revived? Why did not the right hon. Gentleman, in the spirit of Mr. Pitt, put down all debating societies, as well as suppress all unstamped newspapers? The law of Mr. Pitt was not directed against unstamped publications, but against all publications; and he was sure the Chancellor of the Exchequer did not wish to shut out the people from instruction by means of cheap publications; and in this instance he might be benefiting the receipts of the Exchequer, but he was doing so at the expense of Ministers. They were men who were at this moment in possession of more power to do good to the people of England than any of their predecessors; for this reason, humble as his support might be, he gave it them, and whatever diminished their power of doing good gave him great pain from its consequences to the people at large. Therefore, he pressed upon them not to throw away the support of the people, upon whom they must lean in order to carry their measures into effect. They depended upon the people to resist the vast force brought against them—to stem the torrent which threatened their very existence. At a time when they most stood in need of popularity—when the people should be up and awake in their favour, they cast away the support and denied the people the boon of cheap knowledge for the sake of the Stamp Act. He was sure it was not the wish of Ministers to deny knowledge to the people; but he believed that they were cramped and crippled by the wants of the Exchequer: he was satisfied that their fears on this score were futile, and that if the Stamp Act were repealed the Chancellor of the Exchequer would find his account in having given cheap knowledge to the people. Why were the people (he spoke of the poor) to be deprived of this valuable privilege? Say what they would they were not represented in this House; and the Corporation Bill, even if it one day became the law of the land, would not benefit them. One thing they hoped they should be allowed—the right of instructing themselves. At present they were deprived by poverty of the means of judging properly of public and legislative measures, and they did not expect that of all Governments the present would stand forward to perpetuate their ignorance. Did Ministers think that proceedings of this kind would multiply their friends? Did they not diminish their power of doing good? Their power of doing good depended upon their being able to face their adversaries; they were supported solely by popular opinion; their enemies were gathered round the Throne, and those enemies were active, powerful, and persevering, pressing them at every step, and aided and abetted by influence of property; yet, by these acts they severed themselves from their best, their true, their only allies, and for this reason, if for no other, he intreated Ministers to pause and to reflect before they ventured to take another step in the same direction as their last. Insignificant as the parties before the House might be, the existence of the Ministers depended upon the question involved in the Petition.

The Petition was brought up and read. It appeared to be from a person of the name of William Lovett, complaining of having had his printing presses unlawfully seized by the Stamp Office.

The *Chancellor of the Exchequer* had nothing to complain of in the manner in which the hon. Member had introduced the petition. He had spoken with calmness and temper, and while he (the Chancellor of the Exchequer) explained the facts, and his view of them to the House, earnestly and effectually, he would endeavour to follow the example of the hon. Member. He was not disposed to misrepresent or mis-state the smallest part of the petition; but he wished to distinguish the point before the House from the general question of the policy or impolicy of the stamp-laws as applicable to newspapers. That tax might be politic or impolitic, but it was not now brought under the consideration of the House, which was, therefore, not required to approve or to censure it. The point to be discussed was, whether Government had acted rightly or wrongly in the course adopted in the particular case; and it was not only unnecessary but injurious, as regarded a cool and just decision, to introduce into the debate extrinsic circumstances. He should not say a word as to the character of unstamped publications, but would assume that they were not of a nature to make them the object of vindictive proceedings: he wished to deal justly and dispassionately, and for this purpose he would first look at the state of the law with respect to finance. He had dealt with the whole subject as a matter of finance, and the law applicable to it was not a new one, but as old as the reign of Queen Anne, when the first stamp-duty upon newspapers was imposed. As a matter of revenue, it was his duty to see that this law, like any other of the same kind, was not evaded in any way that he could prevent. He was bound to do so, not only with a view to the interests of the revenue, but in justice to those who obeyed the law, and paid the stamp-duty, and who would be exposed to unfair competition, if such as did not pay the duty were permitted to contend with them. The fair trader had a right to claim and obtain from the Government the best protection which the law could give. He had then a double duty to perform in respect to this matter; first, as regarded the public, in taking care that no fraud was permitted upon the revenue; and secondly, on the point of principle and justice, in as far as he was bound to see that the individuals who obeyed the laws should not be undersold, and thereby defrauded by persons who broke the law. He had this double duty to perform. The hon. Gentleman had said that the Government had recently and suddenly taken upon itself a species of activity which it certainly had not practised before. The hon. Gentleman might, perhaps, mean that expression as complimentary to the Government, but if he did so, he must take the liberty of disputing the accuracy of the fact upon which the complimentary expression was founded. In this case no new course had been taken. During the four years he had been connected with the Treasury, it had been his constant object—he would not say to vindicate the law, for the phrase was now in bad odour—but to enforce the payment of the ordinary duty which was owing to the Crown, and which it was his duty to receive from the publishers of newspapers. There was another point of the hon. Member's argument to which he must now also allude. The hon. Member had alluded to a certain Act, passed, as he said, in bad times, by a bad minister, and under political circumstances very foreign from those of the present day. Now he could not admit either the force or the propriety of such distinctions. How could the officers of the executive Government go back on every occasion to the origin of laws? How could they, when they found a law passed in bad times, venture to give it a different interpretation from its original interpretation, merely because they had the good fortune of living in different times? It was enough for him to know that it was the law. It might be matter of discussion at another time, whether that law continued proper and applicable to the present times; but so long as it remained law, a more fatal doctrine could not be laid down than that which left to the Government the power of applying it in any other manner than that which was defined in the statute-book. With respect to the particular facts of the present case, he would observe that, for some years back, there had been a continual endeavour, at some times more or less prevalent and more or less successful, on the part of certain individuals, to publish newspapers and advertisements free from duty. Whenever these proceedings had been under the notice of Government, it had been the object of Government to enforce the law against such offences, and in so enforcing it, Government was not making any attack on the liberty of the Press. On the contrary, it was making an effort to save the Press from pecuniary injury, by preventing smuggling practices in the getting up of newspapers. At present, he had only before him an account of the proceedings of the Stamp-office from the year 1831 to the present time. From the account of those proceedings it appeared, that the two individuals whose cases had been brought forward by the hon. Member for Bath, had been repeatedly prosecuted by the Stamp-office for smuggling practices of this nature. In various cases, in consequence of the different modifications given to their publications, the proceedings taken against them had not been effectual. In some cases, however, they had been convicted and imprisoned. Here let it be remarked that the parties did not err from ignorance. They declared in one of their publications—"This paper is published, and will continue to be published, in despite and defiance of the law." Nay, in one of their papers they went still further—"We tell the Government," said they, "what will be the result of any prosecution which they may institute against us. On the first day that the Government takes proceedings against us we shall appear—we shall then carry over the matter till the next term." They then go on describing the different evasions which they will practise till judgment is gained and execution is issued against them, and then, say they, "the defendants will decamp." Such was the nature of the opposition against which the Government had to struggle. He would now proceed a little more into details. A prosecution took place in May, 1834, against these parties for selling unstamped publications. The parties were tried, and the Government obtained the verdict of a Jury against them. Execution was issued against them, and costs were taxed. For some time there was great difficulty in levying execution upon any of their goods and chattels. At length, information was obtained that at the place where the papers were published property belonging to these parties would be found. In the ordinary course of things, writs were placed in the hands of the Sheriff, and he was ordered to levy for the amount endorsed on their backs. The officers went to Mr. Cleave's. Now, mind, this was an execution to get at the property of Mr. Cleave. It was, therefore, an execution quite as much against his goods and chattels, his chairs and tables, as against his printing presses and his printing materials. The enforcement of the penalty obtained against him was the object of Government in issuing the execution. In the case of Cleave, there were printing presses found, and above 40,000 unstamped newspapers, half-printed, in this manner [the right hon. Gentleman held up a newspaper printed on one side], and the other half to be printed next day. This was on the Thursday; the day of publication was on the Saturday following. To get rid of our seizure a man of the name of Chappel claimed the goods as his own. On the point of property, he had evidence of the most conclusive nature to prove that it belonged to Cleave, for shortly afterwards Cleave came forward and paid the amount of penalty for which these goods were seized, and it was hardly fair to suppose that Cleave would have paid such a sum had the property not been his. He also wished the House to attend to the manner in which Cleave had paid it. He had paid it in golden money; 200*l.* he had paid in sovereigns; and why? To prevent the ascertaining, by tracing notes, who were the parties who upheld and supported him in his repeated violations and infractions of the law. Having paid the penalty, Cleave became entitled to receive back the property seized. The half-printed papers were taken away, and on the Saturday following the other half of the papers was printed; and he then held in his hand a copy of one of them, printed in defiance of the law and in fraud of the revenue. It, therefore, became necessary to consider whether the place in which it was printed belonged to him or not. To discover whether these presses belonged to Cleave and Hetherington, the Government availed itself of an enactment of the law, which provides that every printing press should be registered by its owner with the Clerk of the Peace. Inquiry was made, and it was discovered that these presses were unregistered. They were, therefore, by law, subject to seizure. Government knew that they were at work for an unlawful purpose—namely, to defraud the revenue and the fair trader; "and we should have been unworthy of our places, and unworthy of public confidence," said Mr. Rice, "if we had suffered such a bold and scandalous evasion of the law to take place undisturbed." Under these circumstances the second seizure took place. The hon. Gentleman said, that Government had called into exercise a law made in bad times, and that those parties were taken by surprise; but so far was this from being the case, and so far were they from believing the Act of Parliament in question to be obsolete, that, while engaged in publishing, they had for a long time registered their presses, thus admitting their knowledge of the law and recognizing its efficacy. They acted thus till it became important for them to endeavour to evade the penalty of the law which they had violated, and then the supposed change of property was resorted to for the purpose of defeating the claims of the Crown, and practically annulling the verdict of a Jury. The case of Hetherington differed from that of Cleave in one respect—Cleave had paid the penalty, but Hetherington had not. Now, with a knowledge that those persons had attempted to evade the law, and rendered their goods liable to seizure, he should like to know how he could have defended himself if he had shrunk from his duty and omitted to sanction the conduct that had been pursued throughout every step of the progress of this transaction. The hon. Gentleman had said, that, in the present state of parties and of public opinion, it especially behoved the Government not to cast away public opinion by their acts, or take a course likely to deprive them of popularity. He was as sensible of the importance of public opinion, and as desirous of securing a sound popularity by a due discharge of his public functions, as the hon. Gentleman could be; but the question arose to what species of public opinion or popularity did the hon. Gentleman refer? To court either the one or the other, beyond the strict line of his duty he never would go. Indeed, if he knew what real popularity was, or had any just idea of sound public opinion, he did not think either of them was to be conciliated by conniving at open and undisguised violations of the law, which were not only prejudicial to the public interest in a financial point of view, but were in the highest degree oppressive and injurious to a class of persons who, paying the duty and complying with the law, had the strongest claim on the protection of the Government. He would not now enter into the general question of the stamp-duties—this was not an occasion for doing so, but he thought it necessary to declare his intention to do his duty by the fair trader, and enforce the penalties of the law against the smuggler. It would be extremely unfair if he should be held up to the public either within or outside of those walls, as one who wished to trench upon the rights or infringe the liberty of the subject, because he was resolved to do his duty by the country, and to protect the fair dealer. In justice to the hon. Gentleman, however, it must be allowed that he made no charge against the Government, but admitted the strict legality of the proceedings. His only object was, to do justice and enforce the law, without respect to persons or opinions. Assuming that the whole stamped Press was against the Government, and that the unstamped papers were favourable to it, nevertheless, so long as the proprietors of the former performed the obligations which the law imposed on them, if other parties attempted to injure them by committing a fraud on the revenue they were entitled to protection, and it would be unjust in the Government to decline affording it. On this occasion he felt anxious to explain the grounds on which he had proceeded, and had therefore urged the presentation of the petition; he trusted he had offered satisfactory reasons for the course he had taken, and hoped that, in reference to that course, the House and the public would come to a fair, just, and favourable conclusion.

Sir *Samuel Whalley* said, that the frequent and unsuccessful attempts to put down the unstamped press fully showed that the public opinion was unfavourable to a stamped press, and that means ought, therefore, to be taken to alter the law in that respect. Four hundred or 500 persons had been imprisoned within the last five years for breaches of the Stamp Laws; and when they thought of the lavish waste both of money and liberty which that circumstance showed, he hoped the House would agree with him as to the propriety of altering those laws. The law had been even a little strained to make it meet the present case. He held documents in his hand which clearly showed that the presses belonged to other parties in consequence of an agreement made so long ago as 1828, and he therefore contended that the seizure was not only impolitic, but unjust, which mulcted parties other than the real offenders.

The *Attorney-General* said, after what had been said by his right hon. Friend the Chancellor of the Exchequer, he had but one or two remarks to make. The hon. Member for Marylebone said that he hoped the prayer of the petition would be listened to; now what was the petition? The petitioner stated that he had lent the printing presses to Cleave, and that they were seized. He, however, had no commiseration for Lovett; for that individual must have known that the presses were lent for the purpose of violating the law, and enabling Cleave to commit a fraud. The offence of Cleave was as much a fraud as if he had committed any other species of smuggling. The hon. Member for Bath admitted the legality of the seizure, and he (the Attorney-General) contended that it was not alone legal, but justifiable. The hon. Member was mistaken in saying that the law was dormant. So far was that from being the case, that there was hardly a printing press within the bills of mortality which was not registered. He had not been aware of the proceedings till after they had taken place, but he felt bound to say that they had his entire approbation, and that he was quite ready to take his share of the responsibility.

Mr. *Edward Lytton Bulwer* asked if the right hon. Gentleman would name a day upon which the discussion upon the Stamp Duties could be taken? [The Chancellor of the Exchequer was understood to say he could not.] The hon. Member then stated that he would endeavour to bring the subject forward on Friday; and that he could state, that any plan which would leave a duty of a penny upon newspapers would be taken only as a present compromise, and that nothing short of the complete and entire abolition of the duty would satisfy the country.

Mr. *Hume* said, that this was not a question of revenue, but a question of policy, whether they should go on with a system under which 500 persons had already been imprisoned. He hoped that the hon. Member for Lincoln would bring the subject forward before the Budget was produced. He thought that the reduction of the duties would be no relief to the stamped press, and that no satisfaction would be given to the people unless the whole duty on newspapers was removed.

Mr. *Baines* had abstained from taking any part in the discussion upon the repeal of the Stamp Duty on Newspapers, often as it had been before the House, from an apprehension that his motives might be misapprehended; he had therefore hitherto contented himself with giving a silent vote for the repeal of the duty; he might now, however, be allowed to say, on the petition before the House, that the petitioner could be no more surprised at his printing-presses and types being seized when they were engaged in printing newspapers without stamps in defiance of the law, than a ship-owner could be surprised who, having lent his vessel to carry on smuggling, found that the revenue officers had seized her. In both cases the trade was contraband, and the consequences might be expected to be alike ruinous. The hon. Member for Middlesex had stated, that nothing short of the removal of the whole duty on newspapers would be satisfactory either to the press or to the people. He (Mr. Baines) was sure that this was not the general sentiment. If Ministers were not in a situation to take off the whole tax, he hoped that they would not, on that account, be induced by any representations to the contrary, not to diminish its amount as much as was compatible with the state of the revenue. He put it to his hon. Friend the Member for Middlesex, whether he would not rather pay five-pence every morning for his newspaper than seven-pence, or six guineas a-year rather than eight; and if that would be congenial to his feelings, so would it to the feelings of the people of England. What was the situation in which the Chancellor of the Exchequer was placed? With a surplus revenue of not more than 250,000*l.* he was called upon to repeal the duty on newspapers, amounting to 450,000*l.*; and not only that, but he was also told by Hon. Members, that, in addition to the 450,000*l.* they would insist upon the repeal of the duty on paper, which amounted to 650,000*l.* more: so that, with a surplus of 250,000*l.* he was expected to repeal duties to the amount of 1,100,000*l.* He hoped that the right hon. Gentleman would repeal as much of the duty on stamps as his duty to the public and to the public creditor would allow, but no more. He was afraid that there were other claimants upon the surplus revenue as well as the press. The agriculturists would expect their share of the reduction of taxes, and the manufacturers would require that the duties on the raw materials used in their trades should be favourably considered by the Chancellor of the Exchequer.

Mr. *Roebuck* admitted, that there was a necessity to enforce the law, but the law itself was bad and ought to be repealed. But as the right hon. Gentleman was determined to enforce the law, he trusted that the right hon. Gentleman would do so equally in all cases, and as the law had been enforced against the Dorchester labourers for forming secret societies, he hoped the Orange Lodges would not escape. If those lodges were punished, he might give the right hon. Member credit for his zeal; if otherwise, he should think that the right hon. Gentleman looked more to individuals than to the laws. In the particular case before the House he re-asserted that one man was punished by having his presses taken for the faults of another.

The petition to lie on the table.

Case of William Prentice.] Mr. *Pease* presented a petition from William Prentice, now a prisoner in Newgate, having been guilty of a breach of privilege of the House, in having refused to answer certain questions put to him by the Yarmouth Election Committee. The petitioner prayed that he might be allowed to appear before the Committee, to be examined in all matters not criminating himself. He intended to move, "That the Speaker do issue his warrant to have William Prentice, now in Newgate, brought before the Yarmouth Committee to-morrow." If this person gave satisfactory answers to the questions put to him, he trusted that the House would consent to his discharge.

Dr. *Nicholl* understood from his noble Friend, the Chairman of the Committee, that this individual was not unwilling to be examined; but he only withheld his evidence in consequence of the threats that had been thrown out, that legal proceedings would be instituted against him in consequence of the part he had taken in the Yarmouth election; and he feared that the evidence he might be called upon to give would be made to tell against him.

Petition laid on the table.

Mr. *Pease* moved "That the Speaker do issue his warrant to have William Prentice brought up from Newgate to be examined to-morrow before the Yarmouth Committee."

Agreed to.

DESERTION FROM THE ARMY.] Mr. *Goulburn* wished to ask a question of the noble Secretary for Foreign Affairs, of considerable importance. He had heard that a large number of soldiers had deserted from the garrison of Portsmouth, and had entered the service of the Queen of Spain. They had been tempted to do so in consequence of the expectation of great advantages to be obtained by those who entered the Spanish service. When attempts were made by the authorities of Portsmouth to recover these deserters, great impediments were thrown in their way by those who were intrusted with the management of the recruiting for the Queen of Spain. In some instances it could be proved that false information had been given to enable the deserters to escape. The commander of one of the vessels in the service of the Queen of Spain was asked whether certain deserters who were named to him were in his ship? and he replied that they had been on board, but that they had gone on shore. After this they were seen in the vessel, and were enabled to make their escape in consequence of the false statement made. These persons were known subsequently to have joined the expedition. He wished to know whether his Majesty's Government had appointed a ship at Portsmouth to receive the recruits for the service of the Queen of Spain? He wished also to know whether those persons who had secreted deserters from the garrison, would not be brought to justice for such a serious offence. He would not enter further into the question, but wished to know whether the Government was aware of these proceedings? and whether any steps had been taken on the subject? The conduct of those men who deserted was not nearly so blameable as that of those who encouraged them to do so, and protected them from the pursuit of justice.

Viscount *Palmerston* said, that the right hon. Gentleman had asked whether his Majesty's Government had sanctioned the appropriation of one of his Majesty's ships for the reception of troops who had entered the service of the Queen of Spain. The facts of the case were shortly these:—the Spanish Ambassador had applied to the Government to allow dépôts to be formed at the outports for the reception of recruits for the Spanish service until they could be embarked for the Peninsula. The Government thought that it would be better, both for the recruits and for the inhabitants of the places from whence they were to embark, that they should not be allowed to wander about or to assemble in large numbers on shore, but that they should be kept on shipboard until their final embarkation. On these grounds it was, that the hulk had been allotted for the temporary use of those parties who managed the enlistment for the service of the Queen of Spain.—These persons not only allowed a constant search of the vessel for deserters, but they manifested great anxiety that no vessel should be allowed to depart from Portsmouth, or any other port, with Spanish troops on board, until it had been strictly searched by the proper authorities.

Mr. *Goulburn* observed, that he was in a situation to give an unqualified contradiction to the statement of the Noble Lord, that the commanders of vessels in the Spanish service afforded any facilities for the search of their ships. On one occasion, when some deserters from the garrison were on board a vessel, the officer in command said that it was true that such men had been on board, but that they had left it: they were afterwards put on shore, and subsequently went out to the Peninsula.

Viscount *Palmerston* stated that he had been informed last week, that matters were in a very different state to what they were described to be by the right hon. Gentleman. What was the date of the transaction alluded to by the right hon. Gentleman?

Mr. *Goulburn* replied the 18th of July.

Viscount *Howick* admitted that some subordinate persons employed in enlisting troops for the Queen of Spain, had induced some of the soldiers of the garrison of Portsmouth to desert, and enter the Spanish service; but this was done, not only contrary to the desire of the officer in command of the Spanish auxiliary force, but against his express orders. Lord Hill had issued an order for the trial of the individuals who had deserted, and proceedings had been instituted against those who had encouraged them to desert. If the parties guilty of this conduct were not in the British army, they would be proceeded against for the penalties. It was but justice to state, that the officers in the Spanish service had done every thing in their power to prevent the enlistment of deserters, and had afforded every facility for the discovery of them, on search being made by the officers of the garrison. Orders had also been issued that no recruiting should be allowed in Portsmouth or its neighbourhood.

The Ship Lancero.] Mr. *Grove Price* wished to ask the Noble Lord a question respecting a vessel which had been taken into Gibraltar on the 15th July last. This ship had 153 Spanish subjects on board, and had been seized by those persons, who mastered the crew and carried it into Gibraltar. The name of this brig was the *Lancero,* fitted out at Barcelona, nominally for conveying 153 persons to the Havannah. These men were merely suspected of Carlism, and had been seized in different towns in Catalonia, Arragon, Valentia, and Murcia. He said, that the ship was nominally consigned to the Havannah, for he had received information which left little doubt on his mind that those 153 unhappy persons were to be disposed of in a different manner. When those persons became conscious of what was likely to be their fate, they rose on the crew and mastered it, and carried the vessel into Gibraltar. He understood that the restoration of this ship and the persons on board of it, had been demanded by the Spanish Government. He wished to know whether this vessel had really been demanded by the Spanish authorities, and whether the persons who had so taken refuge in Gibraltar were to be given up by the British Government to the tender mercies of the person who now adminstered the affairs of Spain. These unhappy men had taken refuge in a place which had formerly been an asylum to many members of the present Spanish Goment, who were now so anxious to persecute those who differed from them. The other question he wished to ask was, whether any information had been received from the British Consul at Tangiers, as to some dead bodies that had been washed on shore, near that fort, which were linked together with iron chains, two and two. These persons were Europeans. This occurred shortly before the vessel he had alluded to had been carried into Gibraltar. Was this the way persons were to be treated who did not choose to be governed by liberals guilty of such conduct? He would not trouble the House further, but wished to hear from the noble Lord whether it was intended to give up these 153 Spaniards, who had not been convicted of any crime, to the tender mercies of the Christinos?

Viscount *Palmerston* in reply to the first question, said, that his Majesty's Government had received a communication from the authorities of Gibraltar on the subject. He (Lord Palmerston) had likewise received, that morning, a letter from the British Minister at the Court of Madrid, detailing the facts of the case. The vessel that was taken into Gibraltar had on board 153 persons, destined to be conveyed to the Havannah, and a crew of fifteen or sixteen sailors, which certainly was too small, considering what was the object of the voyage. These persons were not taken up on mere surmise, as was supposed by the hon. Gentleman, but had been tried and convicted by due process of law. The proper authorities in Madrid had informed the British Minister that those men had been fairly tried and convicted of the most serious offences against the Government, and had been sentenced to transportation to the colonies. It appeared that the Spanish authorities did not apportion a sufficient number of guards to the number of persons who were to be conveyed to the Havannah; they, therefore, rose on the crew, and four or five of the latter were wounded. They then carried the ship into Gibraltar, and were landed there. The Spanish Consul claimed them as subjects of the Queen of Spain, who had been tried and convicted of certain offences; this claim, however, was refused. He then demanded that they should be detained on the charge of seizing by violence, a vessel belonging to the Queen of Spain. The English authorities at Gibraltar feared that these persons might be liable to some charge of piracy for seizing the ship; they had, therefore, sent home to this country for instructions. His noble Friend, the Secretary for the colonies, had consulted the legal advisers of the Crown on the subject, and they had declared that these men could not be put on their trial on a charge of piracy, and instructions had been sent out to release them. With regard to the question as to whether these men were to be given up to the Spanish Government, he would only say that he did not believe that any man, either in or out of the House, could entertain the slightest doubt that such would not be the case. It had never been the practice of the British Government to give up to other Governments persons who had taken refuge in the English territories from prosecutions for political offences. To borrow an expression of the hon. Member, when Ferdinand was the person who administered the affairs of Spain, this country constantly persisted in refusing to give up the Spanish Liberals to the Government of that country, and it was also the intention of his Majesty's Ministers to refuse to give up to the Queen of Spain, as he (Lord Palmerston) persisted in calling her, notwithstanding the objections of the hon. Member—those persons who were now in the garrison of Gibraltar. With regard to the other matter, it was also true that his noble Friend, the Secretary for the Colonies, had received a statement from the Consul at Tangiers, in which he observed that it was reported in that place that some bodies of Europeans had been washed on the sea-shore some miles from Tangiers, and it was his intention to send a person to make inquiry as to the real facts of the case. He would not condescend to answer the insinuations which the hon. Gentleman had thrown out, which had not the slightest shadow of anything like fact to support them. He could not help feeling that the privileges of the House were abused, and the character of Parliament lowered, by pursuing such a course.

SUPPLY.—IRISH ESTIMATES.] The House went into a Committee of Supply.

On the Motion that 22,423*l.* be granted for the support of the Chief and Under-Secretary's office, (Ireland)

Mr. *Hume* contended that they had arrived at the period when they should get rid of the office of Lord-lieutenant of Ireland. The Irish Court had produced great mischief, as it had always been the focus of party feelings and animosities.

Mr. *O'Connell* observed that before they took away the Lord-lieutenant from Ireland they should first do justice to the country —full, ample, and complete justice. They should treat Ireland as Scotland had been treated—they should not give to his country a stingy proportion of benefits. Let them for instance compare the Reform Bill for England with that of Ireland. Were they aware of the decision of the Carlow Committee, that no man should have a vote under 25*l.* a-year? There was a jealousy —a fear of admitting the people of Ireland to an equality. It was said, it would be an increase of the popular power in Ireland; and why should there not be an increase of that power? Why should the people of Ireland be placed below the people of England? Corporation reform had been got in Scotland. Why were not the people of Ireland treated in the same way? Reform in the English Corporations was now lingering in another place. Did they think that that would have occurred if the Irish Corporation Bill was not to follow it? In this case, as in many others, the words of Spencer were verified, that "Ireland was reserved as a special curse to England." He hoped that the Government would persevere with the Irish Corporation Bill. If that Bill should be mutilated in another place, yet they would take what they could get as an instalment, and the next year they would, with the same Government, look for the remainder. He was bound to say that they never had in Ireland a Government, until the present, who heartily and entirely concurred with them, or were inclined to go the full length of the desires of the Irish people for equalisation. It was said by the hon. Member for Middlesex, that the office of Lord-lieutenant had been a focus for party—it might also be the focus for liberality, and such he believed was the case with the present Lord-lieutenant, who was received with enthusiasm in every part of the country that he visited. As to the Reform Bill, he would say more of it, if the noble Lord who had been Secretary for Ireland at the time was present; but at the time that that Bill passed, there was an evil genius over the destinies of Ireland. But now, for the first time there was a disposition to do justice. The King's representative was received cordially, and the Assizes proved the country to be more free from agrarian and political offences than it had been for thirty-five years. It was the grievances of that country that had produced agitation. Let them do entire justice to the people in the country, and the power of the agitator would be taken from him.

The vote agreed to.

On the question, that 25,400*l.* be granted for the expenses of the non-conforming, seceding, and Protestant Dissenting Ministers in Ireland,

Mr. *Sharman Crawford* wished to call the attention of his Majesty's Ministers to some gross frauds which were practised under this grant. For instance, money was drawn, purporting to be for three congregations in Dublin, whilst only one of them had been in existence for the last twenty-years. And in a parish in the county of Antrim a salary had been drawn in the name of the rev. Mr. Rice, although that Gentleman had separated himself from the congregation in that parish for more than twenty years. He rose merely to make these statements, and not for the purpose of offering any opposition to the grant.

Viscount *Morpeth* said, that very recently his attention had been called to these special cases, principally, he believed, through the instrumentality of the hon. Gentleman. If the statements that had reached him were true, they were undoubtedly abuses which required correction. At all events, he would undertake to ascertain the facts of these cases.

Dr. *Bowring* objected to the grant altogether. He thought it inconsistent in Protestant Dissenters to benefit by a principle of the injustice of which they complained. In his opinion no religion ought to be paid for by the State. The Presbyterians of Ireland ought to set the example of letting each religion support its own Ministers. Many of them indeed had, and some of the clergy had refused to be pastors over flocks which consented to receive the *Regium Donum.*

Mr. *O'Connell* bore testimony to the excellent character of the Presbyterians and the Protestant Dissenters in Ireland. He should not have objected to the grant had it been for twice the amount. By the way, the Protestant Dissenters amounted to about 620,000, and the grant to them was 25,000*l.* The members of the Established Church numbered only 851,000, but the income allowed to them was 550,000*l.*; and the House was told that after a suitable provision for them, it was impossible there could be a surplus. If for the cure of the souls of 620,000, 25,000*l.* was sufficient, he would ask what, according to Cocker, ought to be the allowance for 851,000. Let this question be solved, and they would soon see whether there was not a surplus.

Mr. *Roebuck* was opposed to the grant. The hon. and learned Gentleman had compared the Protestant Dissenters to the members of the Establishment; but he would compare the Roman Catholics to the Dissenters, and say, that as the former did without any grant, none ought to be allowed to the latter.

Mr. Pease opposed the Motion.

Mr. *George F. Young* said, it was not candid in the hon. and learned Member for Dublin to omit to state that the Established religion was not supported by grants from the House but by endowments.

Mr. *O'Connell* said, that made no difference, it was national property.

Mr. *Wakley* supposed that he must join with other hon. Members in not opposing this grant. He begged to state, however, that such grants as these prevented the right hon. the Chancellor of the Exchequer from taking the tax off newspapers. He gave notice that next Session he would divide the House on every similar Motion, unless the Newspaper-tax were taken off.

The vote was agreed to.

45,000*l.* was granted to defray the expenses of the police.

On the question that 3,358*l.* be applied for public works in Ireland,

Mr. *Fitzstephen French* could not allow a vote of this description to pass over without observation. He would call the attention of the hon. Member for Middlesex to the paltry vote of 702*l.* here proposed for the improvement of the Shannon, and the maintenance of its works. They had heard that hon. Member, with some surprise, this evening, in the simplicity of his ignorance, taunting Ministers with extravagant expenditure in Ireland when in reality, reduction had been carried to an extent producing considerable inconvenience to the mercantile interests of that country. He really could hardly look over the items of this vote with common patience; 710*l.* for the improvement of the Upper Shannon, when the Report of the Committee on this river, which sat last Session, recommended an outlay of something about 100,000*l.* the Chancellor of the Exchequer intimated across the Table, no specific sum had been mentioned.) His right hon. Friend was right that no specific sum was stated in figures, but it was distinctly stated in words. On referring to the Report he found the Committee thus expressing themselves:—That it appeared to them a large portion of this river in the hands of the Government (the very part of it which the vote now before the House related to) was in a very unsatisfactory condition, and that they recommended the Government should be called upon to put this part of it into an efficient state for the purposes of trade, and to fulfil any obligations to which they might be equitably liable. Now, by the able Report of Mr. Rhodes, the engineer, by whom, under the direction of Government the improvements on this river were projected, a report which only required to be generally known to be generally appreciated he found the improvements on the Upper Shannon, which the Government were called on by the Committee to undertake, amounted to something near two-thirds of the sum requisite for the entire river, viz., 154,000*l.* The House might, probably, or indeed, from this estimate might be naturally led to imagine that the term Upper Shannon embraced but a small and inconsiderable portion of the river, and that the works on that portion of it were in perfect order. Those who were unacquainted with this magnificent river, unequalled as it was in the British dominions—and he found that, even amongst those then present, there were many—would learn with astonishment that it embraced the river from Athlone to its source, about 100 miles; in it were the lakes Lough Reé, Lough Forbes, Lough Boffin, Lough Bordernig, Lough na Honge, and Lough Allen; and this was the part of the river declared by Mr. Williams to be deficient to an extent scarcely credible. In all the incidents of navigation, for nearly 100 miles of its length, not a sail, not a boat was to be met on its waters; no appearance, no indications of capital or utility; it flows unheeded and unproductive. Was this paltry, contemptible 710*l.*, a fit sum to appear in the estimates for so great, so important an object as giving to the united kingdom the benefits of the navigation of this great river? was it to be suffered still to remain to the public a sealed book? Nothing but the notice which stood on the book that night in the name of his right hon. Friend of his intention to introduce a Bill for the improvement of the Shannon prevented him from entering fully into the subject, determined as he was to avail himself of every opportunity of drawing the attention of the House to the neglected state, and at the same time to explain to them the magnitude and capacities of this river. He would wait for the introduction of that Bill, and then should he find it necessary he would trespass on them at some length. At present he would content himself with expressing a hope that the Bill about to be introduced by the right hon. the Chancellor of the Exchequer would be comprehensive and liberal; that gold would no longer be placed in the scale against the peace, prosperity, and welfare of Ireland; that a system of legislation would be adopted founded on a knowledge of the condition of the country; that neither narrow views, nor mistaken economy would tempt the right hon. Gentleman to refuse that assistance which was necessary to prepare the way for the profitable application of capital. Let him fear not the liberality of this House for the attainment of an object which would equally promote the manufacturing prosperity of England and the agricultural welfare of Ireland. They would falsify the almost unanimous declaration of the late Parliament of their determination to assist Ireland. They would willingly assent to a measure which would give security to England and tranquillity to Ireland, and render the political agitation of which they so loudly complained of, comparative insignificance.

Vote agreed to.

On the Question that 6,000*l.* for compensation for the Inspecting Commissioners of Excise be granted,

Colonel *Sibthorpe* said, he should move for a return of the compensation given to all the new-fangled Commissioners, including the Municipal Commissioners, than whom he could not conceive a more worthless or mischievous body. This would give him an opportunity of showing up the *exparte* statements of the Commissioners—the dishonest and unfair statements of the Commissioners—and the inducements held out to them to make these one-sided statements. This would furnish him with an opportunity of exhibiting the expense, and the mischief, of what he always called, and would call to the death, the workings of the infernal Reform Bill—that vile engine of robbery and oppression. Yes, he should have an opportunity of exhibiting to the community how far the expenses of that rascally measure were commensurate with the expectations entertained of its success by the people. It was said it would be a great benefit to the people, but the people had not yet shown that they experienced any great benefit from it. They only suffered a fleecing on its account, in the way of taxation to pay Whig-Radical Commissioners. But it was all fair for Government; they were only struggling to keep their places, and they would, of course, support their own Commissioners.

Mr. *Francis Baring* observed, that this Commission had been appointed for the purpose of ascertaining the mode in which the ordinary Commissioners conducted their business, and certainly the least suitable persons to be appointed for such a purpose would have been those Commissioners themselves. It had, therefore, been considered necessary to appoint extra Commissioners, and their labours had unquestionably fully remunerated the charge which the country had to meet for them.

Vote agreed to.

On the Question, that 110,000*l.* be granted to his Majesty to defray certain charges hitherto defrayed out of the county-rates,

Sir *Thomas Freemantle* considered it discreditable to the Government to enter into a kind of partnership with the counties for defraying expenses which ought all to be borne by the Government. He was of opinion, that the whole sum should be remitted to the agriculturists who were suffering great distress.

The *Chancellor of the Exchequer* said, if the proposition were a discreditable one (which however he utterly denied) it had originated with the Committee, and not with his Majesty's Government. If the hon. Gentlemen opposite were so anxious for the agricultural interest, how was it that they had not put a vote on the subject into their own miscellaneous estimates, and thereby have shown their attachment by deeds instead of by words? This proposition of the expense of prosecutions of criminals had been adopted by the Irish Government with the very best effect. Indeed, how could it be otherwise; the local interest must be identified in such cases with the general interest. The Government did not talk as loudly as other parties on the subject of their anxiety to succour the distress of the agricultural interest, but it had been, and would be found to be, as anxious as any hon. Member on the Opposition benches to afford to that great interest any just measure of relief to which it was entitled.

Sir *Harry Verney* observed, that the Committee had recommended the defraying of burthens which fell upon the agricultural interest by the public.

Sir *Thomas Freemantle* said, that he was far from thinking the local Magistrates co-operated as they ought to do in endeavouring to keep down the county-rates. He thought the best results would follow from sending down a special officer to enforce the general observance of a uniform rule as to these expenses, and that a very important saving would be effected in the local Government.

Mr. *Hume* contended, that no boon should, or ought to be given to the agriculturists so long as they were suffered to possess the odious monopoly in food granted them by the existing Corn-laws. These ought, in justice to this great manufacturing community to be forthwith repealed. He agreed that a public functionary sent down, as recommended by the hon. Baronet, would effect much good, by introducing a general rule and a strict scale of expense in these cases of prosecution. He wished the House to remark, that the Committee which sanctioned this change from the old law and practice were all of them agricultural Members. He protested against this vote, as one altogether uncalled for by the circumstances of the times. Government would not be justified in making any concession in favour of the agricultural interest, unless they were prepared, in the first instance, to yield up the unjust monopoly they now possessed in supplying this kingdom with the staff of life.

The *Attorney-General* remarked, that within his own time, the prosecutor used almost always to defray the expenses of the prosecution. He felt that in this grant of 110,000*l.*, 80,000*l.* of which was to defray one-half of the expenses of prosecutions at Assizes and at Quarter Sessions, the Government had redeemed the assurance it had given, that it was anxious to relieve any burthens which pressed peculiarly upon the agricultural and rural districts. He had, however, yet to learn, that these parties were more interested than any other of his Majesty's subjects in bringing criminals to justice. This, it was clear, was an object which must be of equal interest and of as deep anxiety to persons possessed of funded property, and more particularly to those possessed of personal property and effects, to secure, as any other members of society.

Lord *Sandon* thought, that upon the

whole the Government plan was a good one: but expressed his hope, that every means would be adopted for diminishing the expenditure in future.

Colonel *Sibthorpe* said, that the agricultural interest could not have worse friends, or rather more bitter enemies, than his Majesty's present Ministers. The Poor-law Bill, for instance, was one of the greatest hardships that had ever been inflicted on the people. As a Magistrate, he had refused, and would continue to refuse, to enforce the Act in certain cases, for he could not see why any individual, male or female, who had lived in a state of respectability, should be compelled to go to the workhouse, instead of receiving some assistance from the parish. His Majesty's Ministers had not done a single beneficial act for agriculture. If they had, he would sit on their side of the House, disclaiming all party feeling.

Mr. *Kemeys Tynte,* adverting to the Poor-law Amendment Act said, that at a general meeting, before the passing of the Act, in the county which he had the honour to represent, there were but three hands held up against it; and that it was now generally acknowledged that it operated uniformly well.

Mr. *Bennett* regretted to see the enemies of the agricultural interests seize on so trifling an occasion as the present to inveigh against that interest. How was it possible that they could now say, that the high price of corn affected the manufacturing interest? Nevertheless, and in spite of facts, the hon. Member for Middlesex persisted in his attempt to run down the agricultural interest. The present was the first time at which any boon, however trifling, had been proposed for the land, and he hailed it with great pleasure. There could be no doubt, however, that the whole expense of the poor ought to be borne equally by persons possessing property generally, and not by the landholders alone. The Legislature had refused to give the agricultural interest a paper currency, which would have been a great benefit to them: let them provide that the Poor-rate should be levied on the general fund of the country, a proposition which he hoped he should soon see carried into effect. That would be a substantial benefit to agriculture.

The *Chancellor of the Exchequer* thought the observation of the hon. Member for Wilts had no reference to the question before the Committee. This was not a period to waste time in irrelevant discussions.

The Marquess of *Chandos* thought that the vote was one which ought not to be pressed at such a moment as the present. He trusted that the Chancellor of the Exchequer would allow some further time for its consideration. It was not usual for such a proposition to be brought forward in the estimates.

Mr. *Wallace* thought that the expense of prosecutions should be made a general charge upon the country at large, and should not be discharged out of the county rates.

Vote agreed to.

68,000*l.* was proposed to be granted to make compensation to individuals for losses sustained by the fire at the Custom and Docks, Dublin.

Mr. Alderman *Thompson* opposed the vote, on the ground that the parties to whom the money was proposed to be given ought, in common prudence, to have insured their property, and failing in that point of prudence had no claim for compensation from the country.

Mr. *O'Connell* defended the vote, and maintained that the parties had a *bonâ fide* claim according to law. A judicial decision had been given upon the subject, and could not be contravened.

Mr. *Aaron Chapman* opposed the grant, and contended that the Act of Parliament, under which the question was tried, did not apply to the case of fire.

Mr. *Francis Baring* said, that the question was tried before Mr. Justice Crampton, who laid it down, that if the jury were satisfied the fire was the result of wilful misconduct on the part of the Custom-house officer, then the case came within the meaning of the Act. The jury did decide that the fire was the result of wilful misconduct; this grant, therefore, was only in accordance with the law.

Mr. *Robinson* was not disposed to resist the claim after what had been stated to be the law, as he did not think it would be right to impugn the decision of the jury.

Mr. *Shaw* said, that as the case had been adjudicated on by a court of law, he thought it would be hard that the merchants should be deprived of the advantage of the verdict they had obtained.

Sir *Thomas Freemantle* did not think this was a case in which the public were bound to make good the loss sustained. The Act had expired before the action was brought, and he considered the Government to have gone beyond their duty by allowing the merchants to have the benefit of the Act, as if it had not expired. It was a favour conferred on merchants to allow them to bond their goods without paying duty, therefore the public ought not to be liable for any loss that might occur by accident.

Dr. *Bowring* would not object to the vote, though he could not but express his anxiety and alarm at the awful responsibility which this vote was about to impose upon the public.

Mr. *Poulett Thomson* said the public would not be rendered liable unless proof could be afforded that the property was destroyed by wilful misconduct on the part of the officer. He admitted, however, that until the decision in this case was given, he was not aware that such a construction could be put upon the Act of Parliament, and he was glad to find that the general opinion of the House was, that a necessity existed for introducing a measure to protect the country from being subject to the charge arising from fire in bonded warehouses. At the same time no one could justly object to the present vote.

Mr. *Goulburn* considered that the Government had improperly given advantage to the parties claiming compensation. The Act under which they claimed had expired; the Government allowed the merchants of Dublin the benefit of the Act as if it had not expired, but they deprived the public of the benefit of the same Act of Parliament which subjected the officer, by whose negligence the fire was occasioned, to prosecution. The jury consequently, were relieved from all check on account of the liability to which they would have exposed the officer, and were open to the unrestrained influence of sympathy for the merchants who were sufferers by the calamity. But he would contend that the Act in question did not contemplate the occurrence of an accidental fire arising from the negligence of the officer; it only applied to a distinct and positive act of wilful injury on the part of the officer. He believed that the Government had been overpersuaded by those who advocated the cause of the merchants in this transaction. This grant would establish a very dangerous precedent; and he, therefore, agreed that it was necessary some Bill should be introduced upon the subject.

The *Chancellor of the Exchequer* denied that his noble Friend (Lord Althorp) was either inveigled or outwitted on this occasion; he did only what was just in allowing the question to go to a jury in the manner it had done.

Mr. *O'Connell* said, that so far from its being a favour to the prosecutors to be allowed to bring the case before the jury in the manner in which it was brought forward, every effort, on their part, was made to try it as a criminal question against the officer; but they were not allowed to do so.

The *Attorney-General* said, that a better opinion had been pronounced with reference to the construction of the Act than that of the Law Officer of the Crown. It was the opinion of the learned Judge who tried the cause. If, however, the authority of the humble individual who was then addressing the House were any confirmation of that decision, he should say, that he entirely concurred in it. The public entered into an implied contract with the owners of the goods in question to preserve them. They were placed in the warehouse of the public; they were destroyed by the negligence of a servant of the public, and the public were bound to remunerate the owners.

Mr. *George F. Young* feared that the opinion which had just been stated by the hon. and learned Gentleman would have the effect of spreading dismay and alarm among the proprietors of warehouses and the holders of Dock shares. If the principle were laid down that any warehouse-keeper was responsible for goods in his possession destroyed by fire, they would be subject to a liability they had never knowingly incurred, and which had never attached to them before.

Vote agreed to.

Several other votes were agreed to.

The House resumed. Committee to sit again.

Mr. Brotherton rose apparently with the intention of moving the adjournment (it was half-past twelv eo'clock); but on the Speaker proceeding to read the other Orders of the Day, resumed his seat.

STEAM VESSELS' (THAMES) BILL.] Mr. Alderman Wood moved that this Bill be now read a second time.

Mr. Brotherton was again called for, and again rose to move the adjournment. After a little hesitation the hon. Member for London consented to postpone the second reading until a future day.

CORPORATION REFORM (IRELAND]. Mr. Sergeant *Perrin* hoped the House would not object to the Corporation Reform Bill being now read a second time. In that hope he would make the Motion.

Mr. *Brotherton* rose and said, he should move the immediate adjournment of the House if the Motion were persevered in.

Mr. *Shaw* trusted the hon. and learned Gentleman would see the perfect impossibility of proceeding with so important a measure at that hour of the night.

The *Chancellor of the Exchequer* had hoped that the House would have no objection to the Bill being read a second time that night if the discussion were taken in another stage of the measure. He was sure, however, that his hon. and learned Friend, consulting the convenience of the House, would postpone the second reading, on condition that an arrangement were made for the Bill being read a second time on the next occasion of its standing on the Orders without further delay.

Mr. *Shaw* was persuaded that it would be quite impossible to proceed with the Bill this Session. He would, therefore, oppose any postponement of the second reading, if it were done as a compromise, and on the understanding that some future arrangement should be made. He was quite convinced, that if the Bill were passed this Session, it must be forced through the House by the main strength of a majority, and without any opportunity for a fair discussion of its provisions. He should, therefore ask no favour, and accept no compromise. If the Motion were passed, he should shortly state the grounds on which he entered his protest against it: but he should certainly ask for no accommodation at the hands of his Majesty's Ministers.

Colonel *Perceval* said, that unless the hon. Member for Salford persevered in moving the adjournment of the House, he would move it himself.

The *Chancellor of the Exchequer,* after what had fallen from the hon. and learned Gentleman (Mr. Shaw), hoped that the House would support his hon. and learned Friend in moving the second reading of the Bill.

Mr. *Shaw,* I only ask whether it is decent to proceed at this hour of the night to read a Bill of such importance a second time.

The *Chancellor of the Exchequer :* I only ask the House to consider how the case stands. I put it to the House, whether anything could be fairer than the proposition I made to it. The hon. and learned Gentleman, who was the only hon. Member who had spoken on that side, asked for postponement; I said, "If you ask for it merely on account of the lateness of the hour, I am the last person to refuse ;" but you either ask for postponement or you do not. The hon. and learned Gentleman, in reply to me, stands up and says, that he does not wish for postponement—but that he asks for something else. Why, really, when we are ready to do what he asks, it is rather too much that the hon. and learned Gentleman should turn round and accuse us of acting with indecent haste.

Mr. *Shaw* repeated, that he did not mean to ask for the postponement of the Bill on the ground that it would be improper to take the discussion upon it in Committee, but because it was most unfair to the parties whose interests were affected to bring on the measure at such a period of the Session. The city of Dublin comprised one-third of the whole of the Irish Corporations, as stated by the Attorney-General for Ireland, and he had that day received an application from the Corporation of Dublin, stating that they were wholly ignorant of the evidence on which the Bill was founded, they never having received a copy of the Report of the Commissioners, and indeed it was impossible they should, for the first part of that Report (the other not being yet published) had only been put into the hands of Members the middle of that day. Was the Legislature to deprive the citizens of Dublin of Charters, privileges, and property, which they had enjoyed for more than six centuries, not only without hearing either evidence or statement on their behalf—but without even letting them see a copy of the charge made against them? It was inconsistent with every principle of sound legislation and justice. He was no advocate of abuses—he had no objection to true Reform, and on the proper occasion would be ready dispassionately to enter upon the entire Question as regarded the Corporations in Ireland—but at that period of the Session, when most of the leading Members unconnected with office had left town, and above all, before the local Reports were published, he earnestly protested against the measure being forced through the House by the mere numerical strength of a Ministerial majority. The Ministers knew the Bill could not be discussed this Session; but such might be their object. They knew it was impossible the measure could become a law during the present Session, but it might serve a party purpose to have it thrown out elsewhere. All he could say was, that if the Ministry did force on the Bill in that House; he would take no part in the discussion of it, but simply enter his strongest protest against a proceeding so unprecedented and so unjust.

Mr. *Ruthven* said, that such an observation came well from the learned Recorder, who supported the Corporation of Dublin in all their gross peculations and abuses, and was their legal adviser in the opposition which they gave to this Bill [" *Order, and Chair.*"]

Mr. *Shaw* said, that the hon. Member for Dublin had been guilty of the most disorderly language in imputing to him a desire to support peculations and abuses. He was desirous to vindicate himself from such a gross and unfounded attack, and he called upon the hon. Member to retract the expressions he had used.

The *Speaker* said, that the hon. Member for Dublin had undoubtedly used very strong expressions to a Member of the House, but he was quite sure that he would be willing to retract them.

Mr. *Ruthven* said, that the words he had used were not directed to a Member of the House, but to an official person out of the House—he meant the Recorder of Dublin.

Mr. *Goulburn* said, that if the expressions used were objectionable and offensive, it did not signify whether they were applied to a Member of the House, or to a person out of the House. It was equally the duty of the hon. Member to retract them, particularly as he had been called upon to do so by the Chair.

Mr. *Ruthven* observed, that the Corporation of Dublin was a many-headed monster—the hydra of corruption and misrule, and then referring to certain persons who had mixed themselves up with shameful conduct—

Mr. *Shaw* was determined not to submit to such language as had been used by the hon. Member for Dublin, unless the Speaker ruled that it was orderly.

Mr. *Ruthven* said, what he meant to state was this, that the House could not proceed to pass this Bill without encountering the opposition of persons who were anxious to perpetuate the abuses which it sought to remedy.

Sir *Robert Inglis* rose to order. The hon. Member for Dublin had applied expressions of an offensive nature to the right hon. Gentleman, and he was bound to retract them.

The *Speaker* said, that the hon. and learned Gentleman, the Recorder of Dublin, had called for an explanation of the expressions used by the hon. Gentleman. The demand of such an explanation was quite reasonable, and it therefore behoved the hon. Gentleman to explain or retract the words he had used.

Mr. *Ruthven* said, it was very curious that everything bad which was said at that side of the House must be taken to apply to hon. Gentlemen opposite. The right hon. Gentleman (Mr. Shaw) was mistaken, however, if he supposed that he could be whitewashed by calling for any explanation from him.

The *Speaker* must appeal to the House to support him in maintaining the order and decorum of their proceedings. The hon. Gentleman, the Member for Dublin, had used expressions which the House could not sanction, and he once more put it to the good feeling of the hon. Gentleman to withdraw the words he had used.

Mr. *Ruthven* in obedience to the wish expressed by the Chair, begged to say, that he retracted any words that might have given offence to any hon. Member of the House.

Dr. *Nicholl* said, that there was no Question before the House. An hon. Member had moved the second reading of the Irish Municipal Reform Bill, and the Question upon that Motion had not as yet been put.

The Question having been put,

Mr. *Brotherton* moved, that the further consideration of the Question before the House be adjourned to Wednesday next.

Mr. *Henry Grattan* wished to call the attention of the House to a speech made some time ago by the right hon. Gentleman opposite, the Recorder of Dublin, on the subject of Corporation Reform, in which he was reported to have said, that his Majesty's Government knew that they could not carry forward to its completion the proposed measure of Reform in the course of the present Session of Parliament, and he that night said, that they were now only urging it forward for party purposes.

Mr. *Shaw* begged to state, that what he had said was, that they might now use it for party purposes.

Mr. *Henry Grattan* resumed—He would read the language of which the right hon. Gentleman made use from his own paper—from the organ of his own party—*Saunders's News-Letter*. He was there reported to have said, that he felt perfectly confident and assured, that the proposed Bill would not pass into a law during the present Session, for he had heard a Member of the Government say, that they did not contemplate the passing of more than two Bills in the present Session of Parliament namely, the English Corporation Reform Bill, and the Irish Bill. The right hon. Gentleman had thought proper to say, that it had been brought in for party purposes, but he would take leave to affirm, that there was not a man in England of impartial mind, who thought anything of the sort, and if the right hon. Baronet, the Member for Tamworth were in power, instead of the present Ministers, the Recorder of Dublin would not have dared to insinuate anything of the sort. The hon. Member was proceeding to read from the reported speech of the right hon. Gentleman some passages which he described as reflecting in very undeserved terms upon the measure of Corporation Reform, and upon the conduct of his Majesty's Government, and was putting a hypothetical case in reference to the learned Recorder of Dublin, assuming him to have been possibly the individual from whom those speeches proceeded, and described them as infamous libels, when

The *Speaker* interposed, and called the attention of the hon. Gentleman to the breach of order he was about to commit.

Mr. *Henry Grattan* said, he wished to know if the right hon. Gentleman had not used those words, and if they did not relate to the Corporation Question.

The *Speaker* said, that the hon. Gentleman might put his question to the right hon. and learned Recorder of Dublin, provided he did so without any comment tending to convey offence.

Mr. *Shaw* said, that one part of a speech made by him in Dublin had been alluded to by the hon. Member for Middlesex, in which he was reported to have said, that "those who differed from him were Infidels in religion, and Revolutionists in politics." What he did say, was, "those who opposed the institutions of the country, would be joined by all who were Infidel in religion, and Revolutionary in politics." As to the rest of the report, it was substantially correct.

The *Chancellor of the Exchequer* said, it did not appear to him that there would be any use in continuing a discussion of that nature, and he hoped that when they came formally to the consideration of the Question which gave rise to the present conversation, they would approach it with calmness and with moderation. He trusted that was scarcely necessary for him to assure the House, that his Majesty's Government brought forward the Question of Irish Corporation Reform as an act of public duty, and not from any party or personal views. They proposed to themselves no other object than the direct and single aim of advancing the public good. Having introduced and carried through that House an important, and he hoped he might be allowed to say, a valuable measure, of Corporate Reform for England, they now hoped to be able to hold out to Ireland an equal measure of justice.

Mr. *Shaw* said, he thought it fair to state that taking into consideration the late period of the Session, and that it would be impossible for the Bill to be properly discussed, he should content himself on Wednesday with entering his Protest against it; he would be no party to the discussion of a measure under such circumstances. If he had said any thing in connexion with this subject that had wounded the feelings of hon. Gentlemen he was sorry for it: all he intended was, to point out the difficulties in the way of giving, at this period of the Session, to a Bill of so much importance, the attention which it ought to receive.

Debate adjourned to Wednesday.

ORANGE LODGES IN GREAT BRITAIN.] Mr. *Hume* moved for the appointment of a Select Committee to inquire into the Orange Lodges in Great Britain and the Colonies. He said that he had the authority of the hon. Gentleman who was Chairman of the late Committee (Mr. Patten) to put his name down amongst those whom the House might appoint as the Committee on the present occasion.

Dr. *Nicholl* said, this was a subject which required debate, but it being impossible that they could enter into the question at so late an hour, he should move if the Motion were persisted in, that the House should adjourn.

Mr. *Pringle* thought it quite out of the question that at this late period of the Session they could go into such an inquiry, or consent at that late hour of the night to any such Motion.

The *Chancellor of the Exchequer* thought that the proposition to extend the inquiry to England was one which the House could not but accede to. He was of opinion that there could have been no objection to an instruction to the former Committee, if it had been sitting, to extend its inquiries, and all that was now proposed was to appoint another Committee, the Members of the former Committee having been discharged, and some of them being out of town.

Mr. *Sheil* said, that disclosures had taken place within the last two or three days which rendered it impossible not to go on. That being the case, he contended the subject ought to be probed to the bottom. Were they to be told, with such facts before them, that any further inquiry was to be postponed for six months, and that in the interval the Orange Lodges were to go on extending their influence in the British Army. If there was any individual particularly interested in the question, it was an illustrious personage whose name he would not mention, and not to pursue this inquiry into all the circumstances would be a great injustice to him.

Mr. *Wallace* said, this was a question not affecting England only. It had been shown that the Governor of Edinburgh Castle was an Orangeman. He would contend that there ought to be the strictest investigation into this plot—for such he would call it. They did not know to what extent it went, they did not know that it was not meant to subvert the succession to the Throne. He would assert in his place in Parliament, that it was meant to do so. On the 12th of July, for the first time, riots had broken out in Scotland, and all the circumstances ought to be closely examined into. The Orange Lodge system affected the three kingdoms; and he was so impressed with the belief that the illustrious personage to whom reference had been made, was deeply implicated in it, that nothing could satisfy him to the contrary, short of a most searching investigation.

Mr. *Hume* said, he could at once show grounds for the present Motion. The hon. Gentleman then stated that he held in his hand a paper, from which it appeared that at a meeting over which the Duke of Cumberland presided, warrant 254 was granted to a private of the 6th battalion of Royal Artillery, and warrant 260 to private Wilson, of the 17th. He put it to the hon. Gentleman whether, after that statement, he would persevere in his opposition.

Dr. *Nicholl* said, the graver the charge made, the more necessary was it that such a motion should not be disposed of at a time of the night when it could not receive the consideration which was due to it. He thought that the question ought at least to be postponed till to morrow-night.

Lord *Sandon* put it to the hon. Gentlemen opposite, whether, if they were in the minority, they would not complain of the tyranny of a majority which would force a measure forward at a time when it was impossible that it could be properly debated?

Viscount *Palmerston* said, the noble Lord had talked of the tyranny of a majority, but to him it appeared that the unyielding opposition of a minority to an important measure, without any valid reasons for such opposition being assigned, was a species of tyranny quite as objectionable as any other. It was admitted that the statement of the hon. Member for Middlesex rendered it necessary that there should be an inquiry, and yet it was proposed to postpone that inquiry. The ground taken for the postponement was, that the statement made affected an illustrious person. Now, he would ask, what better mode of vindicating the illustrious individual could be adopted, than the inquiry which the hon. Member for Middlesex moved for? One hon. Gentleman recommended the postponement of the inquiry till next year. Would not this be most improper, to deprive the illustrious individual of the opportunity of showing that the charge made was not maintainable. He trusted that a better reason would be shown for vexatiously obstructing public business by repeated motions for adjournment, or that they would be abandoned.

Mr. *Shaw* could state, on authority, that the illustrious Duke had not the slightest knowledge of the existence of Orange Lodges in the army. He thought the proposed course calculated to prejudice the case.

The *Chancellor of the Exchequer* said, if this were the first time the Question had been before the House, he admitted they would have no right, at this late hour, to call on the hon. Gentlemen opposite to accede to the Motion; but the Question was conceded by the late Government; it was carried without a division; and the Motion was seconded by an hon. Gentleman who was himself connected with the Orange Lodges. His Royal Highness's connexion with the society was not the object of the inquiry, but part of it; and the inconvenience was what he had exposed himself to by the high office which he had consented to fill.

Mr. *Aglionby* said, that if he had been so charged he should have begged that the Committee might sit from day to day: and he should have exclaimed, "Heaven defend me from such friends as the hon. Gentlemen opposite!" who urged delay.

Mr. *Scarlett* contended that the effect of this Motion would be directly to interfere with the discipline of the army, and therefore he was opposed to it. He had heard that by Reform the House of Commons would become too strong for the King's Government, and this, he thought, verified that statement to the fullest extent. If such an inquiry were granted all he could say was, that if they did not exempt the army from it, they would be setting the prerogative of the Crown at defiance.

The House divided on the original Motion; Ayes 39; Noes 14: Majority 25.

List of the AYES.

Aglionby, H. A.
Baring, F. T.
Baldwin, Dr.
Blake, Martin Jos.
Bowring, Dr.
Bridgman, H.
Chalmers, P.
Crawford, S.
D'Eyncourt, C. T.
Dilwyn, L.
Finn, W. F.
Handley, H.
Hindley, C.
Hume, J.
Labouchere, H.
Maher, J.
M'Leod, R.
Morpeth, Lord
Murray, J. A.
O'Loghlin, M.
O'Ferrall, M.
O'Connor, Don
Oswald, J.
O'Brien, W. S.
Pease, J.
Pechell, Capt.
Palmerston, Lord
Ruthven, E. S.
Raphael, Mr. Sheriff
Rice, Hon. T. S.
Sheil, R. L.
Sullivan, R.
Thompson, Col. P.
Thornely, J.
Wakley, T
Wallace, R.
Walker, C. A.
Warburton, H.
Wyse, Thos.

TELLERS.

Gordon, R.
Solicitor General.

List of the NOES.

Brotherton, J.
Buller, Sir J. Y.
Egerton,
Fleetwood, H.
Gordon, Captain
Grimston, Hon. E.
Longfield, J.
Maxwell, H.
Perceval, Colonel
Sandon, Lord
Shaw, R.
Scarlett, R.
Sibthorp, Colonel
Vesey, H.

TELLERS.

Nicholl, Dr.
Pringle, A.

On the Question being again put that a Committee be appointed,

Lord *Sandon* objected to the urging on of so important a Question at that hour (past two o'clock) in the morning, particularly in the absence of so many Members, who would, if present, be disposed to take part in the discussion. He was quite sure that this was a course which the House, according to its general practice, would not allow to be taken with a common Turnpike-road Bill, if it were objected to. He was not in any way connected, politically or otherwise, with the illustrious individual whose name had been mentioned; on the contrary, he had differed from him on many important Questions, but he thought it exceedingly unfair that charges of the kind that had been brought should be made without a full opportunity of discussing them. He had no wish to embarrass the Government, but he felt it his duty to propose that the Debate be adjourned.

Colonel *Sibthorp* had great pleasure in seconding the Motion. He thought that the course proposed by hon. Gentlemen was most unfair—a course which he believed few of them would be disposed to pursue with respect to political unions.

The House divided on the original Motion; Ayes 40; Noes 14: Majority 26.

Original Question again put.

Dr. *Nicholl* moved that the House do adjourn.

Mr. *Shaw* said, that the refusal of the hon. Member for Middlesex to postpone his Motion, in order to give an opportunity for its full discussion, had placed him (Mr. Shaw) and the Gentlemen at his side in the disagreeable position of objecting to the further progress of the public business. It was clear they had a power of preventing further business from going on, and he put it to the candour of the noble Lord and the right hon. Gentleman opposite, whether it was fair to urge a Motion of the kind under such circumstances.

Viscount *Palmerston* said the appointment of the Committee would not compromise anybody. It was a following up the inquiry already agreed upon. The facts which had come out in the course of this discussion, instead of being a reason for postponing the inquiry, were, in his opinion, good grounds for urging it forward.

Lord *Sandon* asked, if a charge of the kind had been made against the noble Lord, would he think his accuser had acted fairly towards him if he urged on an inquiry connected with that charge at half-past two o'clock in the morning? Charges of this kind would go before the public, and it might be weeks or months before their refutation would ooze out in the report of a Committee. One hon. Member had said that he could state reasons why the Committee ought not to be appointed, if he had time; and another complained of great fatigue; and all that was asked was a delay of twelve hours, in order to afford full time for the discussion of the question, yet a majority of that House refused that reasonable request. He did not speak about the case itself, or about the individuals connected with it; he spoke for the honour and character of the House, both of which, he contended, would be compromised if a question of this kind was forced on at that late hour.

The *Chancellor of the Exchequer* said, that he would most willingly listen to the appeal of his noble Friend, if it were founded in reason and justice. His noble Friend put it on the ground of a postponement till to-morrow, but other hon. Members were desirous to postpone the Question altogether. Now, let them understand each other. If the delay sought was merely a delay until to-morrow, and that no objection would then be made to the revival of the Committee, he would not object to the postponement till then; but if the object was to defeat the inquiry to-morrow, he should persist in his opposition to the Motion.

Mr. *Shaw* said, that his object was not to oppose the Motion generally; he had not even made up his mind which way he should vote. What he understood was, that the postponement was sought till to-morrow, that a better opportunity might be afforded for discussing the question.

Dr. *Nicholl* felt that the Motion could not be discussed with fairness to-night. He did not rise to offer any defence for the Duke of Cumberland in any way, but he objected in the commencement on grounds that were known to him, as a member of the Committee, to the Motion generally. All he sought, however, at present was, that the debate should be put off till to-morrow, in order that the subject should have a fair discussion. But he did not say that he to-morrow would not oppose the Motion.

Mr. *Borthwick*, if the objection were raised on the merits of the Motion, would vote with the hon. Member for Middlesex; but if it were merely for a delay in order to secure a full discussion, he would support the Motion for an adjournment.

Mr. *Sheil* contended, that the state of business to-morrow would absolutely preclude any better chance of bringing the Question forward than there was at the present moment. The hon. and learned Member (Dr. Nicholl) objected to the discussion in the absence of the Chairman of the late Committee, yet it appeared that the hon. Chairman had authorized the hon. Member for Middlesex to put down his name as a member of the new Committee. If the hon. Member had any peculiar reasons to urge against the formation of this Committee, he could have stated them in one-tenth of the time consumed in the divisions which had already taken place on the subject. It was said on all sides, that there was no objection to putting a stop to a system which might disorganize our army, but when it came to an inquiry every objection that could be raised was urged against it. He rejoiced in the divisions which had taken place, because they demonstrated a readiness to shrink when they came to the point. When they came to probe the system to the bottom, then they were met by every miserable contrivance which sophisms could supply, and which the repeated Question of adjournment would practically support. These attempts at delay were subterfuges to which an enlightened public would lend no countenance.

Dr. *Nicholl* was not conscious that he had deserved the severe terms in which the hon. and learned Gentleman had adverted to his conduct.

Mr. *Sheil* disavowed any intention of saying a word that could have wounded the feelings of the hon. and learned Gentleman, or of any Member of that House. He appealed to the whole of his conduct since he became a Member of that House, and he could safely assert he never intentionally used a harsh expression towards any Member in it. Certainly he had never entertained any feeling towards the hon. and learned Gentleman which could tempt him to the use of any such language.

Dr. *Nicholl* did not wish to shrink from any inquiry which proceeded on a fair principle.

The House divided on the original Motion; Ayes 42; Noes 15: Majority 27.

The Motion to appoint the Committee being renewed, and it being again opposed, the Debate was adjourned till the next day.

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HOUSE OF LORDS,

Tuesday, August 11, 1835.

MINUTES.] Bill. Read a third time:—Larceny Act Amendment; Postage.

Petitions presented. By the Marquess of BUTE, from Kingarth, for further Accommodation in Scotch Churches.—By the Earl of STRADBROKE, from the East Suffolk Society, for Protection and Relief to the Agricultural Interest.—By the Bishop of LONDON, from Tottenham, against Allowing Beer to be drunk on the Premises of Beer-Shops.—By the Duke of RICHMOND, from Horseleap, for Poor-laws to Ireland.—By Viscount MELBOURNE, Lords RADNOR and BROUGHAM, from a number of Places, in favour of,—and by the Earl of FALMOUTH, from two Places, against the Municipal Corporations' Bill.

ROMAN CATHOLIC MARRIAGES.] The

Marquess of *Clanricarde* moved the second reading of the Roman Catholic Marriages Bill. He called for the support of the House to a measure which was founded upon humanity, justice, and policy. The law, as it at present existed, affixed a stigma upon the Roman Catholic population of Ireland, and it was the object of this Bill to remove the last remnant of the penal code which had so long afflicted that portion of the community. The Bill would take away the power now, in some instances, most barbarously used by parties to the marriage contract, of invalidating and setting aside that contract, and would thereby give security to property without the litigation to which the present law exposed innocent parties. According to that law the marriage of a Roman Catholic and Protestant was invalid if it were disputed within twelve months from the time of its celebration; but there were other circumstances connected with such a marriage deserving the serious attention of your Lordships. To prevent the danger of parties professing themselves Catholics, in order to avoid the penalty to which the priest was liable, the Act stated that "any person shall be deemed to be a Protestant who has been so, at any time within twelve months before the celebration of the marriage;" so that a person might become a Catholic in appearance at least, and might, under that name, contract marriage with another Roman Catholic by the ministry of a Catholic priest, the woman having the utmost reliance and confidence in the man of her choice; but if this man became tired of her, he had only to say that he was a Protestant within twelve months, and again return openly to that worship, and the law would allow him to turn the confiding and affectionate woman whom he had deceived into the world, and, with perfect impunity, to abandon her and her children. Such a state of the law was a disgrace to any country calling itself civilized. That law might be oppressive and unjust, where no fraud was intended. A man might be a perfectly sincere convert to the Roman Catholic faith; but there might be a difficulty in proving that he was not a Protestant some time within twelve months, and the *onus* of that proof was thrown upon the children of the marriage—if the marriage were impugned. They must either prove a negative, or fail to establish their own legitimacy. He could state many cases in which the hardship was greater, even than in that which he supposed. He would mention the case of a gentleman who had married a woman much his inferior in society, he conforming, in appearance, to the Catholic faith to which she belonged. He, however, got tired of her and married another. An action was brought, and it was found that he had gone to church within the year before he was married, and on this plea that he was a Protestant within the time, the first wife was defeated. Another instance was that of a gentleman, who had been a Protestant, and had married a Roman Catholic lady, with whom he got a large fortune. With part of this property he purchased land, he died intestate, and the widow claimed her dower. The heir-at-law, however, stepped in, and having shown that the husband had been a Protestant within twelve months before his marriage, the widow lost the whole of her property. In another case, an officer in the army married a Roman Catholic lady of his own rank in life, with whom he received a considerable property. On the death of the husband, his son, by the marriage, was allowed, by the Court of Chancery, 800*l.* a-year for his maintenance out of the estate. His claim, however, was disputed by the next heir-at-law of the deceased, on the ground that the mother had been a Protestant within twelve months of her marriage. This fact was proved; and thus, without any imputation on the father or mother, was the child declared illegitimate, and thrown upon the world without a shilling, or without a legal protector. Was that a state of the law which their Lordships could sanction? It led to the grossest frauds, of which the innocent were the sufferers, and where no fraud was intended, the greatest injury might be done on innocent women and children under its sanction. The only objection he had heard urged against the Bill was the allegation that it went to aid clandestine marriages in Ireland. That allegation he denied. This Bill went to prevent, as he had already said, the invalidation of contracts solemnly entered into. The means of clandestine marriages were fully afforded in Ireland by the class of individuals well known to many of their Lordships as "couple-beggars," who were to be found throughout Ireland. On the grounds of humanity, morality, and expediency, he recommended the Bill most strongly to their Lordships for their adoption.

Lord *Carbery* opposed the motion. The hardship of the existing law could not, he thought, be as great as the noble Marquess had contended, as the severest penalties were imposed on Roman Catholic priests for performing marriages of this nature at all—penalties amounting in the first instance to suspension, and terminating, after repeated offences, in deprivation and death. He could not but think that parties who were married by a Roman Catholic priest under such circumstances, must have the consequences before their eyes, and that they took very little pains to guard against them. There was a Protestant minister in every parish, and it was just as easy for the lower as for the upper classes to be married by him; in which case the hardships of which the noble Marquess complained would be avoided. Another objection he had to the repeal of the present law (until some protection were given against clandestine marriages) was founded in the power assumed by the Roman Catholic Bishops of annulling marriages celebrated between Protestant and Roman Catholic. He would mention, in illustration of this, a case which had occurred:—a Roman Catholic had violated a woman, and was in custody for the offence. In order to escape punishment he offered to marry her, and they were married. He afterwards went to his Bishop, who annulled the marriage. The man then married another, and he was arrested on a charge of bigamy. When brought to trial, the priest who married him could not be found, and the prisoner was in consequence discharged from the dock. He afterwards committed another offence of a kind similar to the first; but he was again pardoned by his Bishop. While such powers were exercised by the Roman Catholic Bishops and priests, it would be wrong to make marriages between Roman Catholics and Protestants, celebrated by them, valid. Suppose the present law were repealed, what was there to prevent any Roman Catholic priest from going at night to the house of any one of their Lordships in Ireland, and there marrying any member of their family to some worthless individual; for it was only such characters who, in general, got married in a clandestine way? Such marriages by a clergyman of the Established Church were not permitted. Then why give the Roman Catholic clergy a power which the canon law did not concede to the clergy of the Established Church or Presbyterians? He was the less disposed to acquiesce in such a scheme when he saw the late increase in the number of Jesuits and Friars, who, he believed, renounced all episcopal authority, and acted independently. On these grounds he begged to move as an amendment, that the Bill be read a second time that day six months.

Lord *Plunkett* supported the Bill, which, as he submitted, only went to annul and repeal that law under which marriages solemnized by Roman Catholic priests might be invalidated either by the fraud of the parties or other means. No objection could be urged against this Bill on the ground that it would facilitate clandestine marriages; for, on the contrary, the strictest orders had been given by the Roman Catholic bishops by circulars to their clergy, prohibiting the solemnization of marriage except only on the due publication of banns, while, on the other hand, as was known to most of their Lordships, the greatest facilities to clandestine marriages were afforded on the payment of fees varying from 2*s.* 6*d.* to 40*s.* by Protestant clergymen known in Ireland under the denomination, as the noble Marquess had observed, of "couple-beggars." On the whole he supported the Bill, as based on justice, humanity, and morality.

The Earl of *Limerick* opposed the motion, on the ground that he was unwilling to increase the power and influence of a body of men who would not be disposed to use either with any friendly feeling to the Protestant Church in Ireland—he alluded to the Roman Catholic clergy of that country. If any proof were wanting in the present day of the disposition of that body to obtain and retain power, it would be found in a letter addressed by a Roman Catholic bishop in the county of Waterford to the foreman of the Grand Jury of that county, than which a more insolent and presumptuous document had not been issued by any prelate of that Church since the days of Hildebrand. It appeared that some dispute arose between a Rev. Mr. Prendergast, the Roman Catholic chaplain to the gaol, and the governor of that prison, and the Grand Jury having inquired into it, decided upon removing Mr. Prendergast, and appointing the priest of the parish in which the gaol is situated in his stead; for this high crime and misdemeanour the foreman of the Grand Jury received the following letter from the titular Bishop of Waterford:—

"Clonmell, July 28, 1835.

"SIR—I never was more astonished than on receiving a document purporting to be a decree of the county of Waterford Grand Jury, passed at the last assizes—a decree as slovenly in its verbiage as it was arrogant in its conception." (The gentleman, it appeared, was educated in France, if one might judge from the style of his letter.) "This conduct might well become the mild meridian of Elizabeth's reign, but certainly ill accords with the vaunted liberality of modern jurists. What! a box of laymen to usurp the patronage of a Catholic bishop? I can scarcely believe it. But to guard against the possibility of any infringement on my rights, I now tell you, as foreman of that said Grand Jury, that no other priest but the Rev. Mr. Prendergast shall dare officiate as chaplain of the county gaol, and this you may publish from the highest to the lowest places. What right had the Grand Jury to dispose of my subjects in the fullness of their wisdom, and this without a single appeal to the proper authority? The world shall see, by the result of this very affair, not only the usurping propensity of that said jury, but also its impotence in ecclesiastical affairs. I mean nothing personal in this address, but really I can with difficulty restrain my feelings on such a subject, and in such times as these.

"I am, Sir, your obedient servant,

"W. ABRAHAM."

So said he (the Earl of Limerick), he could with difficulty restrain his feelings, and he called on their Lordships not to give a greater power to the Catholic priests than they now possessed, which this Bill would confer. The few cases of abuse which other noble Lords had cited were not sufficient to warrant their Lordships in passing a Bill of this kind.

The Earl of *Wicklow* concurred with his noble Friend, the noble Earl who last addressed the House, that a more presumptuous, arrogant, and insolent letter had never been issued than that which his noble Friend had read; yet, would it be believed, there were amongst the Grand Jury, to whom, through their foreman, this letter was addressed, nine Roman Catholics, with one of whom this very Motion respecting the removal of the chaplain originated? This was not the only case in which some of the Roman Catholic hierarchy of Ireland had attempted to browbeat those who dared to oppose their will. A prelate of that church, Dr. M'Hale, had called the established church a sinking and a falling religion, the bane and curse of the country. These were things which could not happen under another Government. He had not heard anything which convinced him of the necessity of this Bill. The grievance was not in the state of the law, but in the ignorance of those who ought to know it better. All that had been said by the noble and learned Lord (Lord Plunkett) only went to show the necessity of altering the general law relating to marriages in Ireland. In that necessity he fully concurred. The present law was wholly inoperative in preventing the marriage of Catholics and Protestants by Catholic priests. He did not think that a limited measure of this kind would cure the evil, but still it might be made productive of some good, if some additions were made to it in the Committee. With the hope of being able to effect such improvement, he would support the Motion for the second reading of the Bill, and when it got into Committee he would move a clause, which would guard against some of the evils arising from the present state of the law as to marriage. It was his intention to move that no priest, under a penalty, should celebrate any marriage which a beneficed clergyman in Ireland would be prevented from celebrating by the canon law. The penalty he should propose would be one that would not be rendered inoperative by its too great amount. If he should succeed in inducing their Lordships to adopt that clause, he would then vote for the third reading, but otherwise he would oppose it.

Lord *Farnham* wished that some general measure might be brought in with the support of Government for the improvement of the law relating to marriage in Ireland. He regretted that the application of the canon law of Ireland had not been more diligently attended to, for he thought that with due diligence by the Ecclesiastical Courts a clergyman of that Church might, if he acted contumaciously with respect to its discipline, be degraded. However, in the present late period of the Session, which must now terminate in a few weeks, he thought it too late to give a due consideration to any measure on this subject. Under these circumstances, and also because he feared that some clauses which were inserted in the Bill of last year, and which were calculated to be a check on clandestine marriages, were omitted from the present, he should vote for the Amendment for putting it off to that day six months.

The Bishop of *London* said, there could not be any great difficulty about the canon law of Ireland, as that of England had been adopted bodily by the Irish Church. A clergyman who contumaciously resisted or refused obedience to the canons of the Church might be excommunicated, which would have a very serious effect upon his liberty and civil privileges. He admitted that the law relating to marriage was defective in England, and more so in Ireland, and called for legislative interference. Even if the present Bill were to pass, it would not prevent the whole of the marriage law from being brought under the consideration of the House. As that was the case he asked, was it worth while to urge on a partial remedy at this late period, seeing that the Legislature would be called on to revise the whole subject at no very distant day. He admitted, that under the law, as it now stood, some unworthy clergymen of the Established Church might, by becoming couple-beggars as they were called, encourage clandestine marriages; but if the present Bill passed they would have twenty couple-beggars where they now had one. He also objected to this measure on the ground that they ought to guard against adding to the difficulties with which the Established Church was at the present time surrounded. If the Bill passed it would tend to encourage the marriage by Catholic priests, not only of Catholic with Protestant, but also of Protestant with Protestant, of which the Catholic priests would avail themselves for the purpose of proselytism, and in support of this view of the case he read an extract from the evidence given by the late Archbishop of Dublin before the Lords' Committee in 1825. This was also the opinion of Dr. Doyle, who admitted that a conscientious Catholic married to a Protestant would be bound to use his efforts to convert his wife to the Catholic faith. Was this, he would ask, a time to pass a measure which would give the Catholic priests an advantage over the Protestant clergy? He contended that it was not, and under these circumstances, looking to the necessity of a more general measure, he would vote for the Amendment.

Lord *Brougham* concurred with the right Reverend Prelate, that upon a subject of this description, where various defects of the law existed, and where a general and large measure of alteration might be deemed by some to be necessary, that it would be better to have that larger and more comprehensive measure than a less extensive one. Let the right reverend Prelate reflect for a moment what it was that constituted the difficulty of dealing with the Marriage Law in this country. It was Lord Hardwicke's Marriage Act. Lord Hardwicke's Act had introduced all the difficulty of dealing with the subject; this being the only country in Europe in which a law existed, declaring that all marriages which took place between parties under age without the consent of parents or guardians, or without the publication of bans, should be null and void. All Europe acknowledged and acted on the remains of the Roman or Civil Law in regard of Marriage, except England. Scotland alone was different; Ireland was the same as the rest of Europe. The Marriage Act of Lord Hardwicke introduced all the difficulties, and it was entirely owing to that peculiarity, now become an anomaly, that England was distinguished in respect of marriage from all nations under the sun. It was that Act which first introduced a nullity of the contract in place of a penalty upon the parties. All other laws, and the common and statute law of England previous to it, proceeded on the plan of attaching a penalty to the Act and inflicting it on one or more of the parties. Who could look without horror on the idea of rendering infamous the parties because one of them had, perhaps, been deceived? Who could contemplate the notion of making the innocent offspring bastards? Who could see, without shuddering, the facility which the present law afforded an infamous profligate of seducing an innocent woman under pretence of change of religion, and then abandoning her, with the stigma of prostitution on her character, and the brand of illegitimacy upon her offspring, consigning both to utter wretchedness and misery? Few but professional men were aware of the extent of the evil, and the details of horror which it caused—few but those were aware of the fertile source of sorrow and despair which it opened in families. The only difficulty in dealing with it, however, arose from Lord Hardwicke's Act. That difficulty existed only in England; it had no existence in Ireland, because the Marriage Act was never extended to that country. He knew no part of the law which could be affected by it except the remaining dark spot of the Penal Statutes against Papists. It was an abuse of language to call it a Marriage Act. It was never intended to be such. It was a Penal Statute against the Roman Catholics of that day, and the legislators of the time, 19 George 2nd, would laugh if they could hear their Lordships call it a Marriage Act. It was a remnant of the anti-Papal code, enacted against the Catholics, which, he was sorry to observe, there appeared a disposition in some quarters to perpetuate. He was sorry to find that the noble Prelate who had last spoken had suffered his usually acute intellect to be clouded, and his understanding to become hazy; which must have been the case when he stated that the Bills before their Lordships would have the effect of putting the Papist on a better footing than the Protestant—of injuring the Established Church, and raising that of Rome. And not less had he been astonished to hear from the same eminent quarter an assertion founded upon a statement contained in a report of Dr. Magee's evidence, given before the Committee of that House in 1825, namely that the allowing a Catholic priest to marry two Protestants, or a Protestant and a Catholic, would lead to an increase of Catholics. Unless he had heard it from the right reverend Prelate's own lips, he certainly would never have believed that one of his penetration could have been so egregiously deluded. Neither, looking at the effects which daily and notoriously flowed from the present state of the law, unless he had himself been an ear-witness, could he have believed that the right reverend Prelate would have contended for the continuance of such a law for a single hour. It was a law which in no instance went to punish the wrong-doer—neither the priest who married, nor the man who deceived—in every instance the punishment fell upon the innocent woman and her helpless children. A man to obtain a selfish or sensual purpose, might impose upon the woman he proposed to marry, as well as the priest who was to marry them; and when his mind changed—when the personal charms of his wife began to decay—when he saw another whom he thought he should prefer—in short, upon any pretext whatever, or without any pretext at all, he had only to announce the manner of his marriage, to render it at once a perfect nullity—to proclaim the partner of his bed a prostitute, and his children bastards. The wrong-doer escaped scot-free; nay he not only escaped scot-free, but escaped with a reward. The first wrong-doer—the priest—(supposing the priest to have a knowledge of the real religious opinions of the parties he was marrying) was rewarded in the shape of the fee he obtained for performing the ceremony; the second wrong-doer—the husband—was rewarded in the enjoyment he obtained in the seduction of the woman. Was that a state of the law which any Protestant divine would wish to continue? Then, the right reverend Prelate contended that if the present Bill were allowed to pass, for every "couple-beggar" that might now exist among the Protestant clergy, there would become twenty "couple-beggars" amongst the Roman Catholic clergy. He (Lord Brougham) did not believe that that would be the case. He did not believe, indeed, that the Roman Catholic clergyman was so likely to degrade his functions in that way as the Protestant clergyman, and he would shortly state why: the Roman Catholic Church regarded matrimony as a sacrament, whilst the Protestant Church regarded it only as a civil contract ["*No, no!*" *from the Bench of Bishops.*] He would only mention that his authority for the assertion was the highest, and perhaps the most eminent consistorial judge who had ever lived in that country—Lord Stowell, who, in the case of Dalrymple *v.* Dalrymple, had distinctly considered the act of marriage as a civil contract. In conclusion, the noble and learned Lord ridiculed the idea that the proposed Bill could in any way tend to facilitate for the Roman Catholic clergy the business of proselytism.

The Bishop of *Exeter* should not have departed from his original intention of taking no part in the debate, but for the observations of the noble and learned Lord who had just sat down. The proposition that marriage in the eye of the Protestant Church was nothing more than a civil contract, was one which he (the Bishop of Exeter) would never hear asserted without entering his decided protest against it. In the eye of the law it was undoubtedly a civil contract, but in the estimation of the

Church it was much more than a civil contract. It was regarded as a holy estate—a state into which a man certainly could not enter without a contract; but the contract was merely the gate. When a man was married, he was in a holy estate—a religious estate. It was a religious estate because it was ordained by God, commanded by God, blessed by God, and rendered irrevocable by God. Rendered irrevocable by the Deity, the law of England regarded it as irrevocable. In illustration of that fact he need only mention the case of Miss Turner; the Bill for the dissolution of whose marriage could not be sustained on the ground of fraud, and was only subsequently passed by their Lordships on the ground that no legal marriage had taken place, in consequence of the violence that was used. He was not speaking on his own authority when he stated marriage to be the most sacred of all human ties, and that it was not merely a civil contract,—but, on the authority of a great man, now unhappily dead to the world, best known as Sir William Scott, whose authority had been so confidently appealed to in the particular case of Dalrymple *v.* Dalrymple, as favourable to the idea that marriage was merely a civil contract; whereas, on the contrary, he declared it to be a religious contract. He had in his hand, also, the high authority of Chief Justice Holt, in that very judgment of his, in the Court of King's Bench, which had so often been supposed to give countenance to the idea that marriage was a civil contract; for what said that illustrious Judge? He said, "If the contract be *per verba de præsenti,* it amounts to an actual marriage, which the parties themselves cannot dissolve; that it is as much a marriage in the sight of God, as if it had been performed *in facie ecclesiæ.*" The noble and learned Lord who spoke last said that, "before the 19th George 2nd, the marriage ceremony required the sanction of a Presbyter to make it valid." Lord Holt did not, however, look upon it in that point of view; for sitting at the head of the highest court in Westminster Hall, he declared "not that it was invested with all its legal rights, but that, if performed *per verba de præsenti,* this constituted the very essence of matrimony in the sight of God;"—and though he did not add that the legitimacy of children, the right of dower, and other civil rights, follow from it,—the statute of Edward 6th recognised that principle; for it empowered the ecclesiastical Judge to sentence commanding solemnization, cohabitation, and so on. It could not, therefore, be regarded as a mere civil contract; it did not take effect unless completed by the presence of the priest; but the parties might be compelled to complete it; and then, through the priest, it was invested with all the civil effects of such a contract. The noble Lord had said that clandestinity was out of the question when the law now sought to be repealed was enacted. Formerly there were preambles to Bills, though the present Bill had dispensed with that form, and from these preambles he could prove to the noble Lord that it was. The noble and learned Prelate then recited the preambles of the 6th and 19th George 2nd, to show that clandestine marriages were as much aimed at by the Acts as the suppression of Papistry and Romanism. But then there was the power of granting dispensations, and all the evils that followed. But the strongest argument was that which had been urged by his right reverend brother—the tendency of the proposed measure to strengthen the power of the Roman Catholic priesthood to make proselytes. He maintained that the necessary consequences of yielding assent to the proposed measure would be to produce a tendency to recognize, not merely the individual who performed the ceremony, but the Roman Catholic Marriage Law itself. Had their Lordships duly considered what the Roman Catholic Marriage Law was? It probably went infinitely further than they were at all aware of. It declared that impediments to marriage by the law of God, should not be considered impediments if the Pope chose to remove them. It declared that, with the Pope's permission, uncles might marry nieces, nephews marry aunts, &c. &c. While it thus licensed incestuous marriages, it tied up the liberty of man even in cases in which God had permitted its free exercise. The Roman Catholic marriage law, that law which was at present in force in Ireland, in certain cases made null and void marriages beyond the Levitical degrees. It declared that not even a godfather or godmother should marry (no very probable case, certainly) the children for whom they had stood.

It declared that even the affinity which arose from baptising another was sufficient to prevent marriage. Were such things as these to be introduced into Ireland, by way of healing the evils which at present existed in that country? There were many other arguments which occurred to him, but he would no longer trespass upon their Lordships' attention. He should most heartily vote for the Amendment.

The Bishop of *Hereford* said, he would vote for the second reading of the Bill, in the hope that the clause described by a noble Earl, to the effect that the Roman Catholic priest should not be at liberty to solemnize a marriage where the Protestant clergyman was not at liberty to do so, would be introduced into the Bill in the Committee. If the Bill came out of the Committee without such a clause, he should feel it his duty to oppose the third reading.

The Marquess of *Clanricarde* briefly replied, denying that he took the council of Trent for his guide in legislating and contending that the limitation to marriages amongst the Roman Catholics was not materially different from that which prevailed amongst Protestants. He observed, that some Lords had dwelt at considerable length upon the evils arising from clandestine marriages, and his sentiments upon that subject fully coincided with theirs as to the evils arising from such a practice. But he maintained that the proposed Bill would not afford greater facilities to clandestine marriages than the present state of the law permitted, and he begged the House to compare the evils of clandestinity on the one hand with those of the power of declaring nullity of marriage on the other—the nullity of a marriage conscientiously contracted by the parties, and believed by them to be binding and impárting legitimacy to their offspring. Whatever might become of the present measure, he hoped that another Session would not be allowed to pass without a general marriage law being enacted.

The House divided on the original Question: Content 16; Not-content 42: Majority 26.

Bill postponed for six months.

HOUSE OF COMMONS,

Tuesday, August 11, 1835.

MINUTES.] Bills. Read a third time:—Sale of Bread; Public Roads' (Ireland).—Read a second time:—Paymaster-General; Slave Compensation.—Read a first time:—Registration of Voters' (Ireland); Certiorari; Election Acts' (Ireland) Amendment; Hereditary Revenues (Scotland) Act Amendment.

PUBLIC CARRIAGES—METROPOLIS.] The House went into Committee on the Public Càrriages (Metropolis) Bill.

On the 17th Clause,

Mr. *Wakley* wished to be informed why the drivers of gentlemen's carriages were not to be ticketed and numbered as well as the drivers of public carriages. [Alderman Wood, "oh, oh!"] The worthy Alderman might say "oh!" but the saying "oh!" did not make the distinction less partial or unjust towards the public. He had seen at late hours of the night infinitely worse conduct on the part of gentlemen's coachmen than he had ever witnessed on the part of drivers of omnibusses, hackney-coaches, or any others to whom the Bill applied. This was, in fact, what was too often the case, a legislation which only served to restrict and bear upon the poorer classes, while the rich were suffered to do as they pleased. This was an Act which purported to be for the public benefit, and to effect such an object the drivers of gentlemen's carriages should be made amenable to its provisions.

Sir *Samuel Whalley* said, that the carriages to which this Bill applied were carriages let out for hire, which circumstance constituted an essential distinction between them and gentlemen's carriages.

Dr. *Bowring* thought that there was much justice in what had fallen from the hon. Member for Finsbury. He should support his hon. Friend if he moved an Amendment on the subject.

Mr. Alderman *Wood* would yield to no one in the House in a desire to protect the interests of the poor equally with those of the rich, and the present Bill had for its object the benefit of ths whole public, rich or poor. He must, however, object to inserting the proposition of the hon. Member for Finsbury in the present Bill, the preamble to which expressly described it as one intended to refer only to public carriages. If the hon. Member chose at a future period to introduce a separate Bill to promote his object he would not oppose it.

Mr. *Wakley* could not see why the worthy Alderman should object to effect the object by at once inserting a Clause in the Bill for the purpose. The object of the Bill was to preserve the public from the effects of furious driving, and this object would not be effectually attained unless the drivers of gentlemen's carriages were subjected to the same penalties with those of public carriage drivers. If this Bill were passed without such a Clause he (Mr. Wakley) should most certainly bring forward a measure in reference to private carriages early next Session.

Colonel *Sibthorp* wished to observe that the penalties imposed by the Bill, so far from being too high, were too slight to be efficient.

Mr. *Warburton* objected to this system of legislating against grievances so slight as to render it perfectly competent in the public itself to remedy them. As to the present measure, if it passed, his Majesty's subjects would not be any the more acquainted with the law on the subject from a measure, containing, as it did, not fewer than eighty long Clauses.

Mr. Alderman *Wood* said, the necessity for this longer Bill had been partly thrown upon him by the hon. Member's opposition to the short measure of three Clauses, which he had originally proposed, and which threw the task of making bye-laws on the subject of public carriages on the Court of Aldermen. This Bill was imperatively necessary for the protection of the poor, and to provide them a remedy in cases where they were run over and wounded, and had their limbs broken by public conveyances. At the present moment there were not fewer than fifty cases of this kind in Charing-cross Hospital.

Colonel *Sibthorp* dared to say, that he was the oldest four-in-hander in the House; yet in the whole course of his practice not a single accident had been caused by him. If there had, he should, of course, have made the best recompence in his power.

Mr. *Wakley* said, this only shewed that the gallant Colonel must have been peculiarly fortunate in his charioteering; for there was no doubt but that a great many dreadful accidents were caused by private carriages as well as by public ones. Would the gallant Colonel have any objection to the numbering of gentlemen's carriages?

Colonel *Sibthorp:* most certainly.

Mr. *Potter* protested against the violent abuse which Members so indiscriminately bestowed upon the drivers of public conveyances. For his own part, the instances were very rare indeed in which he had experienced insolence on their part.

Clause agreed to.

On Clause 34, .

Mr. *Wakley* protested against it as a most unjust and absurd one, going as it did to debar the driver of a cab, under the penalty of twenty shillings, from sitting in the passengers' seat, even though no passenger occupied it.

Colonel *Sibthorp* looked upon this as one of the best provisions in the Bill, prohibiting, as it also did, the cabman from occupying the passengers' seat with some drunken, greasy, dirty fellow.

Mr. *Waktey*, on the contrary, thought the Clause a most tyrannical and preposterous one. It was monstrous that a man sitting from eight in the morning till a late hour of the winter night, should be forbidden to shelter himself from the cold and snow and rain in his own property.

Mr. *Ewart* took the same view as the hon. Member for Finsbury, and proposed as an Amendment that the driver when driving without passengers might sit within his cab.

On this Amendment the Committee divided.

Ayes 5; Noes 32; Majority 27.

House resumed. Committee to sit again.

CONSERVATIVE ASSOCIATIONS.] Sir *Samuel Whalley* rose for the purpose of presenting a Petition from the Vestry of the parish of Marylebone, complaining of the inquisitorial and vexatious proceedings of the Conservative Association established in that parish. He hoped that the House would bear in mind that the establishment of these Conservative Associations had been recommended by the leaders of the Conservative party as the best means of attaining a predominant influence in that House. Now, if that object could be attained by that party in the exercse of legitimate means, he should be the last man in the world to complain of it; but he was surprised that the establishment of Conservative Associations for that purpose should be recommended by those who were so vehement in their denunciations of political unions during the summer of 1832. He did not expect from that party the establishment of Conservative Associations in every part of the kingdom, and the establishment of them, too, for the more efficient prosecution of such proceedings as those of which he was then about to complain. He recollected that in 1832, the objections urged by the Conservatives of that day applied both to the institutions and to the objects of the political unions. It was deemed by them an impertinence on the part of the people to combine for the purpose of obtaining reform. It was deemed by them a high crime and misdemeanour for the people to associate for the purpose of obtaining good and cheap government; but when the object was to re-establish abuses, which a long-suffering and much-injured people have succeeded in abolishing—when the object was to impede the progress of reform, and to embarrass the march of a liberal Government on its road onwards to further ameliorations, then it was the height of patriotism to form clubs and combinations—then such associations were recommended by princes and nobles—then they were lauded and exalted in high quarters—ay, and from the very altar itself. We have seen a Prelate of the Established Church recommending with all the influence of his station and his character the establishment of Conservative Associations—we have heard him calling upon the pastors of his flock, and upon his flock also, to be active, co-operating, and united in such associations. Co-operating unions! Why, these were the very societies that in good set phrase and in rounded periods were formerly denounced as unconstitutional and disloyal by those who were now straining every nerve to form clubs of this character. Co-operating unions! Was it possible that a rev. prelate in a pastoral letter should recommend any associations which were formed to carry political objects, to be united and co-operative? "'Tis true, 'tis pity—pity 'tis 'tis true." Yes! not for the sake of establishing peace and good-will, but for the sake of prolonging party feuds—for the sake of reviving religious hostility—for the sake of keeping alive the recollection of events which ought to sleep forgotten in the annals of history. The establishment of these associations, so fatal to the harmony and well-being of society, had been recommended by a rev. prelate of the Church of England. He regretted, he deeply regretted, that such societies, with such objects, had been recommended by any prelate. It was true that they were recommended for the purpose of stopping what the rev. Prelate denominated the progress of Popery, but there was in his letter of recommendation more of the spirit of Popery than of the meek, forbearing, apostolical spirit of religion. Conservative Associations, then, having been recommended by principalities and powers, having met with the highest eulogiums from the highest quarters, he did not wonder that a Conservative Association had been established in what they deemed the low quarter of Marylebone. He did not, however, complain so much of its establishment as of its proceedings. He must inform the House, that by an Act passed under the auspices of the right hon. Baronet, the Member for Nottingham, (Sir John Hobhouse)—an act which would hand down his name with honour to posterity—yes, he would repeat in the presence of the right hon. Baronet that which he had often said in his absence—namely, that there was no measure of greater utility upon a small scale than the Select Vestry Act, which the right hon. Baronet had been successful in carrying through Parliament. By that Act it was provided that all rate-payers in the parish should have access on payment of a small fee to the rate-books, and should be entitled to make extracts therefrom, in order that they might know that their funds were properly administered, and that the receipts and disbursements were properly apportioned. This power given to the rate-payers was not intended for the gratification of idle curiosity, still less for the purpose of being abused and perverted in the way in which it had been abused and perverted by the parties of whom he then complained. Acting upon their construction of a clause in that Act, the Conservative Association, or rather the clerks of the Conservative Association—for it had its agents, and its runners, and its official inquisitors out in every direction—went to the court-house of the parish, insisted on seeing the rate-books, and then made extracts from them under the printed form contained in this petition. It was a sort of schedule in several columns, containing under different columns, the name of the street, the number of the house, the name of the occupant, the time of his occupancy, his number on the registry; whether he was friendly to the Conservative Association, whether he was hostile, or whether he was doubtful. Then came another column, entitled "Column of Observations." The existence of that column had frightened, and was in itself enough to frighten, all the tradesmen who were electors of the borough, especially as the knowledge of the existence of this schedule was communicated to them at a time when the Conservatives, through their most influential organs of the press, were recommending a system of exclusive dealing, from which they soon afterwards recoiled themselves in no dissembled alarm. He admitted that the great majority of his constituents were retail dealers. They, therefore, derived from the higher classes of society their chief means of support. They were anxious, in consequence, not to offend those classes. The result of that feeling on their part had been, that many who would have voted, had they voted at all, for the liberal cause, had declined voting altogether, and that some, who could have qualified themselves to vote, had refused to qualify themselves, in order that they might escape solicitation from either one side or the other. When the knowledge of this schedule got abroad, these parties found that their Conservative customers had devised a scheme by which they could neither exercise their elective franchise, nor refuse claiming their qualification without the prospect of injury to themselves and their families. People had been hired by this association to go from house to house, street by street, and address the owners in the following language:—"Mr. Tomkins, don't you belong to the association? Your best customers, Sir Jeffrey Longpurse and Lord Robert Highborn, approve of it—won't you join?" The frequency and the annoyance of such solicitations had induced these petitioners to call upon the House to devise some means of protecting the electors of Marylebone from the intimidation proceeding from these Conservative political unions. The petitioners felt that no law could reach the conduct of these unionists. They felt that the Ballot was their best, indeed their only protection, and they therefore prayed for the introduction of vote by ballot into our elective system. In moving that this petition be laid upon the Table, he must observe, that he gave his most cordial support to the prayer with which it concluded. He had no doubt that the House, on receiving the Report from the Intimidation Committee, would find that no other remedy for this, and indeed for every other species of intimidation, could be devised; and he therefore hoped that in another Session of Parliament the House would be prepared to give the electors of the country the protection of the Ballot.

Mr. *Mackinnon* hoped, that as he had the honour to be the Chairman of the Association which the petitioners attacked, the House would indulge him with a hearing during the few words which he had to address to them upon this subject. He should confine himself entirely to matters f fact, and without following the hon. Member for Marylebone into the wide field of declamation into which he had so unnecessarily entered, should briefly state the reasons why the Conservative Association had endeavoured to collect a correct list of the voters for the borough of Marylebone. Before proceeding to the circumstances of the case, he would take the liberty of stating that this petition could scarcely be considered as the petition of the vestry of Marylebone. That vestry consisted of 120 persons. Now, this petition had been very much hawked about—it had been left for some time at the Court-house, the vestry had been canvassed daily, he might say hourly, for their signatures, and yet, what was the number of names attached to it? He must trouble the Clerk at the Table to count them. [The Clerk: Twenty-seven attached to the petition.] He appealed to the House, whether it did not require some degree of confidence to enable an hon. Member to place upon the Table a petition signed by only twenty-seven persons as the petition of the 120 vestrymen of Marylebone? Could a petition so signed be considered as speaking the sentiments of the majority of the vestry of Marylebone? Certainly not. To come, however, to the real point. The association, of which he had the honour to be the Chairman, had been formed not for any party purpose, and a proof of this was contained in the fact that the association numbered in its ranks individuals of every description of politics. We have in it many Conservatives. We have in it also many persons who wish well to the Administration of the noble Lord opposite; therefore we have no party objects in our view. Our object is to enable every qualified person in the borough to record his vote upon the register, and to give it to such candidate as he may approve, whenever an opportunity is granted to him of making another selection. He contended that it was incumbent upon the parties who presented a petition like the present, to take care that they came before the House with what the lawyers called "clean hands;" for such parties had no right to complain of others if they had been the first to commit similar, and it might be, worse injustice. Now, the vestry of Marylebone had been a very influential instrument in returning the Members for that Borough during the last two Parliaments. He spoke not of the aggregate body of vestrymen, but of those twenty-seven important personages who had signed this petition, and who, in their character of vestrymen had surreptitiously endeavoured to get themselves enrolled as freeholders of the county of Middlesex. He would briefly mention to the House what took place at the last election, as it was communicated to him in a letter which he had that day received from a respectable elector of the Borough, which stated that the vestry were not even agreed on the propriety of the Ballot, for there had been a division in the vestry on the point, in which thirty-two had divided for, and fifteen against it. Of these fifteen, seven were the decided partisans of the present Ministry. The writer said, that the vestry of Marylebone had interfered most openly in the last election; that the vestries of Marylebone, of Paddington, and of St. Pancras had met together; that Mr. Hume had presided at their meeting; that they had first of all determined on supporting Mr. Harvey as a fit person to represent the Borough, but that on his declaring his intention to try his chance at Southwark, they had afterwards determined to give their support to Mr. H. Bulwer, and to recommend him to the support of their various friends. Now, was not that an interference on the part of this vestry of Marylebone with the freedom of election? He did not state these facts upon his own authority, but on the authority of a respectable individual who had placed this letter in his hand. He trusted that he had now shown to the satisfaction of the house, he was sure that he had shown to the satisfaction of every reasonable person, that these members of the vestry had taken upon themselves a greater interference with the freedom of election in the Borough of which they were inhabitants than the Association of whose proceedings they had come forward to complain. He had only further to state, that the sole object of the Conservative Association in sending to the vestry to inspect the rate-books was to learn the names of the parties on the rate who had paid up their quota. The very Act of Parliament to which the hon. Gentleman on the other side of the House had referred, proved that the Association was justified in taking that proceeding. Having said thus much, he would not detain the House further than was necessary to point out the absurdity of which the petitioners were guilty in this their petition. Because they felt that public attention was at last awake to their proceedings, — that popular opinion was at last rising superior to popular clamour, —that numbers would no longer be able to swamp the influence of those who had a right to exercise it, they now turned round upon the House and said—"Give, oh, give us the protection of the Ballot."

Mr. *Ormsby Gore* said, that as he had the honour of being a member of this libelled association, he hoped that the House would bear with him for a few minutes. In the first place, this association was not properly designated in being styled a Conservative Association. Its proper title was exclusive of all party—it was styled "The Loyal and Constitutional Association of Marylebone." It contained in its ranks members of all parties, except the extreme Radical party. The members of it had assembled together to hinder indolence, or apathy, or neglect, from preventing those individuals who had a right to exercise the elective franchise from being swamped by the activity of the Radicals. He would defend this Association from accusation if he could only make out what accusation was brought against it. The first semblance of accusation was, that they had sent their clerks to the court-house to take a list of the rate-payers. Individually the Members of the association, being themselves rate-payers, had a right to do this, and it mattered little whether they took their extracts from the rate-books with their own hands or with the hands of their amanuenses. He believed the fact to be, that three of the rate-payers had sent for these extracts for themselves. The second accusation, if he must give it that name, had reference to the schedule and its different columns. That schedule was framed in that manner to enable the association to protect the electors in the proper exercise of their elective franchise. He denied that it deserved the epithets of "inquisitorial," and "oppressive," and "vexatious," which the hon. Member had applied to it. He wished the House to look at the names signed to this petition—thirteen of them formed part of the notorious forty-two who had contrived to get their names put surreptitiously on the list of voters for the county of Middlesex. Now, what degree of credit was there due to a petition which bore such signatures? The prayer of the petition, too—what was it for? For the Ballot. Now, how had these very parties exercised this mode of secret voting in their own parish? He would inform the House in a very few words. In the parish of St. Pancras, where the vestry was elected by Ballot, the Radicals had blue lists which they published every night declaring the state of the poll, although the poll could not be known and declared by law till three days after the Ballot was terminated. So much for the secrecy of voting established by the Ballot. Moreover, when the votes were cast up after the Ballot, it was discovered more than once that more votes had been given than had been checked by the clerk. So much for the certainty of the ballot. Besides these blue lists there were also white lists; but the blue list and the white list were as distinct from each other, and were as well known to be distinct from each other, as Harley-street and Portland-place. If nothing more could be said in favour of the Ballot than what was urged by these petitioners, the Ballot might be left in future to go and take care of itself.

Mr. *Wakley* said, that the hon. Gentleman who had just spoken was most egregiously mistaken both as to the practice, and as to the results of the practice, which he had described as existing in the parish of St. Pancras. It was true that the Radical party had a blue list. The opposite party finding that the popular feeling was almost all in favour of the blue list, contrived to have a blue list as well as a white list, in the hope of deluding some ignorant persons to vote for their candidates. Then the Radicals in their turn determined to have a white list as well as a blue list. Substituting their white list in the place of their blue list, they went to the poll, and by turning their artifices against the inventors of them, again defeated their opponents. The fact, however, was, that the mode of voting in St. Pancras was not entirely secret. Still it was so far secret as to neutralize the power of intimidation. Would the hon. Member consent to give the people of England the same degree of secrecy in voting for Members of Parliament? If the people could only get the Ballot they would not care what associations existed—whether they were Conservative, or were nicknamed loyal and constitutional associations.

Petition to lie on the Table.

PORTUGAL.] Mr. *Robinson* wished to know, in the first place, whether his Majesty's Ministers had received any official notification from the Government of the Queen of Portugal relative to the suspension or annulment of the treaty of Rio Janeiro, dated Feb. 19th, 1810; secondly, if so, whether his Majesty's Government had received any explanation of the motive and ulterior views of the Portuguese Government with respect to the commercial treaty; and thirdly, whether the noble Lord would object to laying upon the table any communication relating to the subject which had been made to his Majesty's Government?

Viscount *Palmerston* said, that a few days ago he received a notification from the Government of Portugal giving notice, under the provisions of the treaty of 1810, that the treaty would be suspended from the 10th of January, 1836. That announcement was accompanied with a notice from the Portuguese Government, stating that they were desirous to open a negotiation upon the subject of a new treaty, with the view of affording to each country reciprocal advantage. He could have no objection in producing the necessary extracts from the despatch, if the hon. Member chose to move for them.

Mr. *Robinson* then moved an humble address to his Majesty, praying him to lay before the House extracts from the correspondence which had passed between the Portuguese and his Majesty's Government relating to the treaty of Rio Janeiro, of February 19th, 1810.

Motion agreed to.

ORANGE LODGES.] Mr. Hume moved the Order of the Day for the adjourned debate on the Motion for the appointment of a Committee to inquire into the origin, nature, extent, and tendency of the Orange Institutions in Great Britain and the Colonies.

After a few observations from Mr. Shaw and Mr. Hume, which were entirely inaudible in the gallery,

Dr. *Nicholl* observed, that he should not take up the time of the House by offering any further opposition to the Motion.

The Motion was then agreed to, and the Committee was named.

ORANGE LODGES.—ADJOURNED DEBATE.] Lord John Russell moved the Order of the Day for the adjourned debate on this Motion.

Mr. *Hume* observed, that before the debate was proceeded with, he begged to state that although he had proposed eleven Resolutions on the subject of Orange Lodges, he did not intend to press the adoption of all of them. With the permission of the House, he intended to withdraw the fifth and sixth Resolutions, and only persist in those that had reference to the constitution of Orange Lodges, or to the existence of those associations in the army.

Mr. *Finch* regretted that the hon. Gentleman did not pursue the prudent course of withdrawing all his Resolutions. At the same time he must protest against being restricted to the discussion of only a part of the question, after the hon. Member for Middlesex had thought fit to make a long speech in which he went at length into the whole matter. Indeed he could not help complaining of the course pursued by the hon. Gentleman; in the first place a notice was given, and a number of observations made in the House on the subject before the evidence taken before the Committee had been printed, and against the wish of the Chairman of that Committee. Then the hon. Member printed his Resolutions some days before they were submitted to the House, and these were circulated very widely throughout the country. Again, the speech with which the hon. Member introduced his Motion had been reported at very great length, and it contained a number of erroneous and exaggerated statements. He objected to the Resolutions as unparliamentary, as unwise, and unfair. It was one of the privileges of the House to direct attention to malversations of those in the highest situation, but this privilege should be cautiously exercised, and certainly there was nothing in the present case to call for the censure or even interference of that House. The hon. Member for Middlesex was not a Member of the Committee, but he had read some statement in a newspaper reflecting on an illustrious individual, and he at once said to himself "Oh, this is enough for me, I'll have a shot at the Duke of Cumberland." That was his great object and therefore the course which the hon. Member had pursued was unparliamentary as well as unsuitable to the season when it was taken. But was there not evidence to show that the Duke of Cumberland was as ignorant as the Emperor of Morocco, or the Great Mogul, when he signed the warrants that they were to be disposed of otherwise than properly? The individual by whom they were misused was, no doubt deserving of reprehension; but surely no man in the country possessed of the least degree of candour would say that the Duke of Cumberland was guilty of more than a very pardonable indiscretion. Signing warrants under such circumstances, he must say, was by no means such an offence as would authorise them to agree to an address to the Crown which might subject an illustrious individual to great and unmerited inconvenience; and he must say that he thought the hon. Member for Middlesex was not justified in stating in the course of his speech that such a proceeding was altogether unparaleled. By the tenth Resolution the Member for hon. Middlesex, proposed that the whole of the evidence taken before the Committee on Orange Lodges should be placed in the hands of his Majesty, but did the hon. Member seriously consider that volumes of such magnitude could be perused by the King? Between eighteen and twenty witnesses had been examined by the Committee, but of these he would select extracts only from the evidence of two, to show that the existence of Orange Societies had tended to the welfare and not to the injury of those parts of Ireland in which they were most numerous. The first witness to whose evidence he should resort for this purpose, though a party man, was an individual whose testimony was entitled to every possible respect and attention, he meant the Earl of Gosford; and the next, the Earl of Caledon, was a man whose entire impartiality would be admitted on both sides of the House. With the leave of the House he should now read an extract from the evidence given by Lord Gosford, commencing with question 3,326 The hon. Gentleman accordingly read as follows:—

"Your Lordship is acquainted with the composition of yeomanry in the county of Armagh; are there many Roman Catholics in the yeomanry in that county? I believe not.

"Is there one?—If I were obliged to speak positively, I should say there was not; but it is impossible for me to say; the yeomanry is in a great measure disbanded.

"Their arms remain with them, with the exception of one corps, do they not? I cannot take upon me to say what steps Government took with respect to their arms; but I believe their arms have remained with them.

"Have the yeomen taken a prominent part in those Orange processions, or has it appeared from the character and description of the persons that were in those processions, that amongst them many of the yeomnry must have been?—I should think so; but not in the dress, or appearing as yeomen; but that these were men belonging to the yeomanry corps in these processions I believe there is no doubt.

"Have you not understood that the yeomanry in the county of Armagh were almost all Orangemen?—I should think in certain parts of Armagh they are almost all Orangemen; but I never saw any return; I can only speak from hearsay and belief to that."

The hon. Gentleman next read the following passage from the evidence given before the Committee by the Earl of Caledon:—

"There are far more Orangemen in the north than in the south of Ireland? I believe there are.

"Property is considered more secure in the north than in the south, and consequently more valuable? I believe it is.

"Are there more manufactures in the north?—I believe so.

"The people are in a better condition?—I believe they are, but I am very little acquainted with the south.

"Landlords have not been so deprived of their influence in the north as in the south?—I believe not.

"Upon the whole, the north of Ireland of late years has been less disturbed than the south?—I think there has been less excitement, less agitation there."

"Does your Lordship recollect in your own county of Tyrone, or any neighbouring county within the last thirty years, an Insurrection Act being in force?—No Insurrection Act has been in force in the county of Tyrone, or in any neighbouring county, within the last thirty years.'

Every species of matter, the hon. Member continued, theological and otherwise, had been introduced into this report, and all this the hon. Member for Middlesex wished the Crown to wade through. The proceeding, however, was most unwise from the beginning to the end, but although the report was nothing more nor less than a parcel of mutilated evidence, as anomalous as it was extraordinary, still something like the truth might be gained from it, as he had shown by the two passages which he had read. To these extracts he would add a third, from the evidence of Mr. Sinclair, a lawyer, whose impartiality no one who heard him could doubt. This Gentleman said, most decidedly that the people of the north of Ireland were better conducted than the people of this country, and after speaking of the general effects of Orange Societies, the examination of Mr. Sinclair proceeded:—

The people of England are supposed to be in general the most obedient to laws?—I declare I do not think so, I think quite the reverse; the Trade Unions and things of that kind have not led me to that conclusion.

"You would consider the people of England better disposed than the people of the north of Ireland?—No. I would not change with them either Catholics or Protestants.

"Do you consider that the people of the north of Ireland are more peaceable than the people of England?—No; but I think our population, including Protestants and Catholics, in my part of the north of Ireland, are much better conducted, and much freer from crime than the people in England, and the returns of the Assizes will show that.

"You would hardly say that the people in the south of Ireland are more orderly than the people of England? No, I never said that, nor thought it.

"You have already stated that the people of the north of Ireland are more peaceable and well conducted than the people of England?—I think so.

"And you have stated that the people in the north of Ireland are more orderly and well conducted than the people in the south of Ireland?—Yes, and that the people of the north of Ireland are more orderly and more peaceable than the people of England.

"The people in the north of Ireland, which is the stronghold of Orangeism, are better conducted, it appears, than the people of England where there are no Orangemen, and the people of the south of Ireland, where there are comparatively few Orangemen?—Certainly.

"You are aware, of course, that about seven-and-twenty years ago, there were very serious riots in London, when Sir Francis Burdett refused to obey the Speaker's warrant?—Yes. I heard of that; and since that frequently.

"You will perhaps recollect that the Life Guards were obliged to fire on the people, and that several lives were lost?—I recollect it.

"Perhaps you are not aware that 7,000 troops were marched up to London, and cannons placed in all the squares at that period?—I think I recollect that.

"Perhaps you can recollect that at that period there was a war in Spain, and those troops might have been wanted for the Spanish campaign?—Unquestionably.

"It would appear, then, that the people of London are quite as strongly tinged with party feeling, and quite as disposed to insubordination as the people in the north of Ireland?—I know nothing of their feelings; but I think they are a thousand times more insubordinate than the people of the north of Ireland.

Here, then, was evidence to show that the people of the north of Ireland, the strong-hold of Orangeism, were a thousand times more orderly and peaceable than the people of London, and a million times more orderly and peaceable than the people of the south of Ireland; and, upon the authority of the Earl of Caledon, he was justified in saying that though the liberty of the subject had been suspended in the south of Ireland for almost the last thirty years no part of the north had been placed under the provisions of the Insurrection Act during the whole of that period.

What a contrast, also, there was between the present state of the North and South of Ireland. In 1828, when the whole of the South of Ireland had entered into the most dangerous conspiracies and combinations against the Government, the North was perfectly tranquil. The feeling in favour of repeal had advanced in the South of Ireland, but had never made the slightest progress in the North. He was satisfied that a great deal of the animosity now manifested against the Orangemen originated in their opposition to repeal. The hon. Member for Kilkenny had given notice of a resolution, to the effect that no person being a member of the Orange society, or any such like association, bound by obligations of secrecy, and confederated together upon principles exclusive of any class of his Majesty's subjects, ought to hold any office connected with the administration of justice. At the first view of this resolution it might appear to be very fair, and the hon. Gentleman might consider himself a mirror of impartiality. Did he, however, in his motion, intend to include others than Orangemen? Did he intend to apply it to Freemasons? If he did, the hon. Member for Middlesex might feel it to be his duty to come down with articles of impeachment against the Duke of Sussex as the head of that society. If he were asked which was the least secret society in the country, he should say it was the Orange association, for all their books, documents, and signs, had been made known to the House and the country. Under these circumstances he was at a loss to understand how the hon. Member for Kilkenny could bring forward his motion. But it was said, that this was a secret association, and that it was liable to a charge of uncharitableness for excluding certain classes of his Majesty's subjects. Of course it was an exclusive society, but not more so than Brookes's was against the Tories. The hon. and learned Member for Dublin had founded a society he called the Anti-Tory Association, and of which the hon. Member for Kilkenny was a member. He did not think that the Orange Society was more exclusive than this. The Orange Association admitted all denominations of Protestants as members, and they necessarily excluded Catholics, because one of the chief objects of the institution was the maintenance of the Protestant religion. Catholics could not consistently join in the promotion of such an object. After this, he would only recommend the hon. Member for Kilkenny to light his pipe with his resolution instead of troubling the House with it. He could not help alluding to a most unfair circumstance attending the discussion on this question, namely, that every instance of misconduct on the part of Orangemen that had occurred in the course of forty years was grossly exaggerated, and exhibited in all possible forms to the House. Would it be fair on the part of any person objecting to the representative system of government, to impute to it all the disturbances that had taken place in England for a long series of years? Was it fair to say, because disturbances had taken place at elections, that they were necessarily attendant on them. This, however, was exactly the course of proceeding that had been adopted with reference to the Orange Lodges. In the North of Ireland, a great number of the yeomanry and police were Orangemen, and they were intrusted with arms, and mainly contributed to keep the peace. In that part of the country there were but few troops, while in the South it was necessary to maintain a large army, as the inhabitants could not be intrusted with arms. It was untrue that the institution of Orangemen had produced either religious bigotry or religious feuds in Ireland, and in proof of this he had only to mention, that the Association of United Irishmen existed four years before the first Orange Lodge in that country was established. The Association of United Irishmen was formed in 1791, and the first Orange Lodge in the North of Ireland was not established until 1795, and its institution was the result of self-defence, and these facts he proved by a reference to "Plowden's History of Ireland" and other authorities. In fact, Ireland was in a frightful condition. Four years before the establishment of the Orange Lodges, the Society of United Irishmen was founded, the ostensible object of which was the promotion of Parliamentary Reform and Catholic Emancipation; but the real object, according to Wolfe Tone, was the separation of Ireland from England. The object the founders of the Orange Association had in view, was to prevent that rebellion, the promotion of which the United Irishmen were attempting. The hon. Gentleman here read long extracts from the speeches of Lord Clare, in 1800; of Mr. Pitt, in 1805, when he moved the suspension of the *Habeas Corpus* Act, of Mr. Wyndham, in 1807, who stated on the authority of Mr. Grattan, that there was a French party in Ireland at that period; which fully justified the continuance of Orange Societies, as a means of preserving British connexion. The hon. Gentleman proceeded to show the existence of societies in Ireland, from that period to the present, which had in view objects not consistent with the constitutional principles of Great Britain. In the year 1825, the interference of the Catholic Association with the Courts of Justice in Ireland was totally repugnant to the fair and unbiassed administration of the law. There was no period of Irish History more rife with disturbance and insubordination than the years 1821 and 1822. Parties appeared in open day upon the hills, and murder was as openly committed. At this period there was no disturbance in the North of Ireland, whilst in the South eighteen counties were placed under the Insurrection Act, and seven others were about to be proclaimed. The Catholic Association at this period interfered with the Courts of Justice by their paid agents, and even avowed a determination to erect tribunals of their own. A complete organization existed in the South of Ireland, of which, in 1825, the Roman Catholic Priests formed 2,500 members. People might call this a highly-coloured statement, but it was one which he could support by authorities. The hon. Gentleman then referred to the King's Speech for that year, which described the Association as unconstitutional, calculated to create alarm, and to retard the course of good Government in Ireland. He also referred to the speech of Mr. Secretary Canning, to show that the Catholic Association was raising levies, and exercising all the powers of Government. If this opinion of Mr. Canning was not sufficient he would give them that of a noble and learned Lord not now so popular in Ireland as he had been some years ago. The hon. Gentleman also quoted the opinion of Lord Plunkett, to show that the Association set themselves up as the redressors of all grievances, and the advocates of all measures, from Parliamentary Reform to Repeal, and that they interfered with every court, from the very highest in the kingdom down to the Court of Conscience. Surely a state of things like this was most unconstitutional. For the levies, there was an army of 30,000 collectors. The whole, or nearly the whole, of the Catholic Priesthood of Ireland were attached to the Association, and yet what an outcry was raised if a few of the Protestant Clergy joined the Orange body. The hon. Gentleman then referred to Mr. Wyse's book to show the admitted connexion between the high Ecclesiastical dignitaries and the Association, as well as the enrolment in that body of 2,500 Roman Catholic Priests. When the law to put these down was passed, the Orange Institution, which was purely defensive, ceased to exist. But this law was evaded, and organization and agitation proceeded as usual. The law was laughed at, and by a mere change of name the old Association still existed. The hon. Gentleman then referred to the simultaneous meetings which took place in Ireland with the threatening aspect which Irish affairs then presented, and said, that the Orange body were called upon to re-organize itself in self-defence against the system of intimidation, and the tumultuary meetings which took place in the South of Ireland. When Ireland was on the verge of a civil war, as she then was, was it criminal in the Orangemen to prepare for self-defence? The hon. Gentleman then described the attempt made by Mr. Lawless to proceed to the North with a body of several thousand persons, to argue, as Mr. Lawless said, with the Orangemen of the North. The Orangemen, threatened with such arguments, assembled in arms, and possessed themselves of a strong military post at Ballibay. If Mr. Lawless had proceeded at that period, thousands of the Roman Catholic party must have been slain, and a civil war must necessarily have ensued. Fortunately there happened to be an officer of his Majesty's forces with some troops stationed between the parties. He sent for Mr. Lawless, pointed out to him the danger of the course which he pursued, and induced him to desist. What, if that officer had not been there at the time, might have been the consequences? A civil war would have been the result. A war, too, of a most dangerous character, for disaffection existed amongst the soldiery, and in some regiments it openly exhibited itself. The 21st Fusileers marched into Waterford, shouting for O'Connell and the Association. Some of the soldiers were reported to have said, that there were two modes of firing, viz., at the people and over their heads, and if they were called out to fight against O'Connell and their countrymen, they would know which of the modes to adopt. From this it would be seen that the nature of the Orange Institution was defensive, and that so far from being opposed to good Government it only aimed at assisting a weak one, for all Governments must be weak under which such a state of society could exist. At last the Roman Catholic Relief Bill was passed, and it was hoped that they would get some repose; but a state of things arose quite as bad as any that had before existed: for then came the Tithe Campaign, with its concomitant horrors. The Clergy of the Church Establishment were reduced to destitution. Some were driven out of the country, others were murdered: they were murdered in Kildare, in Tipperary, in Dundalk. The houses of others were attacked, their lives threatened, and some were shot at. The hon. Gentleman then read a letter written from a gentleman in Westmeath to Lord Stanley, to show that intimidation had arisen to so great a height, that persons were afraid to come forward to give testimony in courts of justice, relating the fearful extent of the outrages, and stating that the insurgents were possessed of large quantities of arms. He also referred to another document, that the most efficient of the Kilkenny petty jurors, as well as those of the Queen's County, expressed their repugnance to attend at the assizes. In addition to this, there was recognized in Ireland a system of volunteers, which was said to be almost precisely similar to the Jacobin system of France. His object in entering into these details was to show, that nothing could be more unfair than the resolutions of the hon. Member for Middlesex. The hon. Member had treated the Orange Lodges as a species of *imperium in imperio.* Taking only the hon. Member's statements, nobody would be able to form a guess as to what had been the state of things from the period when the Orange Lodges were instituted, down to the year 1825, when they were suppressed; and again, after they had been revived. Was not the state of Ireland, so late as last year, such as to make the maintenance of Orange Lodges, with the view to their counteraction of the opposing influences, most excusable? Agitation had then two objects to accomplish:—the first was the Extinction of Tithes; and the second was the Repeal of the Union. He called upon the House to look at the state of Ireland last year, when the Question of Repeal had been agitated, and which, though worked only for one year, had been worked so effectually, that 546,000 persons had petitioned in its favour. This agitation existed in full force last year, and even now the organization for stripping the Church of its entire revenues, and for effecting Repeal, existed in Ireland. Yes, for effecting that Repeal which the Chancellor of the Exchequer said would separate Ireland from this country, and establish in the former a fierce democracy. The hon. Gentleman then referred to several letters of Mr. O'Connell's, to show that Repeal was the great object which he and Ireland should have in view. He maintained that there did exist a necessity for some system of protective union amongst the Protestants of Ireland. It was vain to talk of its being the business of Government to defend the laws and protect the peaceable subjects of the Crown. The Government were not able to defend the laws in Ireland, neither in the time of the present Ministers nor of the right hon. Baronet, (Sir Robert Peel) nor of the Ministry which preceded him; else whence the general resistance to tithes which had so long prevailed, and the consequent levy of a million of money from amongst the English people, and whence the necessity for the present coalition with the very party who had all along incited the people of Ireland to resistance to the law? He maintained, that if Orange Societies could be suppressed, they ought not to be suppressed; they could only be suppressed by the influence of the respect which was entertained for the law by their leaders; and if those individuals did entertain such a respect, they were precisely the persons who ought to associate in such a manner: if they did not entertain such a respect, the example which had been set by the Catholic Association, showed that if suppressed they might quickly rise up again under another name. As to the existence of Orange Lodges in the army, he certainly did think that any political clubs in the army were contrary to military discipline; and that any thing like partisan feeling among soldiers was to be deprecated in the strongest terms. In conclusion, he should warn the House against proceeding futher in alienating the feelings of the Protestants of Ireland, especially when it was seen that their prosecutors had been the enemies of the legislative union, and the supporters of the dissolution of the connexion between the two countries.

Lord *Ebrington* said, that in any observations which he should make, he should confine himself strictly to the question before the House, namely, the existence of Orange Societies in the army, and the connexion of his Royal Highness the Duke of Cumberland with them; these being the sole matters affected by the resolutions moved by his hon. Friend, the Member for Middlesex. He would not enter upon the consideration of the effect which those lodges might have upon the discipline of the army; it was sufficient for him that those institutions had been denounced by the Commander-in-Chief as fraught with injury to the discipline of the army. Such was the secrecy, it appeared, with which they were conducted, that even the authorities at the Horse-Guards were ignorant of them, and his Royal Highness the Duke of Cumberland, a general of the army, had, in the letter which he had addressed to the Committee, stated that he knew nothing of any lodge in any regiment excepting one, of which he said that his father and his brother, the late King, were members, but with respect to which he (Lord Ebrington) believed that some explanation would be afforded by his hon. Friend, placing upon it rather a different construction than that placed by his Royal Highness. His Royal Highness said also, that he was not cognizant of the manner in which the warrants issued by him were disposed of. He (Lord Ebrington) would observe, that if he admitted that observation to the fullest extent, he must still consider that the illustrious Duke was fully and entirely responsible for every act done by him as Grand Master of the Orange Lodges—if he placed himself at the head of such an institution, he was answerable for its acts, and could not shelter himself from any consequences which might attach to them, by stating that he did not know what use might be made of the "warrants which he issued." He had no wish to treat this as a party question—he had no desire to degrade the constituted authorities of the State—but he felt that he should be guilty of a cowardly shrinking from his duty, if he suffered the reverence which attached to names of high influence and authority to prevent him from dealing out the same measure of just treatment to persons in elevated stations, as to persons placed in more humble situations; feeling, as he did, that the injury and mischief performed by them were great in proportion to the elevation of their station, and the respect in which their names were held; and feeling, also, that in proportion to their high station was the duty incumbent on them of inculcating, by authority and example, obedience and respect for the institutions of the country in which they held it. His Royal Highness, in his letter to the Committee, distinctly denied all knowledge of the existence of any Orange Lodges in the army. Now, he was bound to admit to the illustrious Duke, as he would admit to any other gentleman under similar circumstances, that at the time of his making that statement, he was impressed with the belief that it was quite correct; but how could the statement be reconciled with the documents which his hon. Friend, the Member for Middlesex was in possession of when he moved his resolutions, and which, in his (Lord Ebrington's) opinion most fully justified every word which his hon. Friend had uttered? How could that statement be reconciled with the documents which he held in his hand, purporting to contain the proceedings at a special meeting of the Grand Orange Lodge, held at the house of Lord Kenyon, in Portman-square, on the 17th of February, 1831, present his Royal Highness the Duke of Cumberland in the chair, at which meeting it appeared that a resolution was passed to the following effect: "Resolved, that the issue of the following warrants be approved of;—No. 254, to Samuel Easty, of the 6th Battalion of the Royal Artillery; No. 758, to James Smith, of the 94th; No. 260, to private Wilson, of the 17th;" and at the conclusion of which meeting. the thanks of the Grand Lodge were moved to the royal and illustrious Chairman, "for his great condescension and attention?" He believed that he should not be contradicted when he stated, that the warrants to which he had referred were not merely for the admission of individual soldiers, but for giving power to them to hold lodges in their regiments. He hoped, for the sake of his Royal Highness, that some means might be found of giving a different appearance to the proceedings at which the three warrants to which he had alluded were granted, than that which they at present bore. At a more recent meeting, of the proceedings at which he could also furnish some particulars, and which was held also at Lord Kenyon's house, and with his Royal Highness the Duke of Cumberland again in the chair, on the 16th of April, 1832, it appeared that a Mr. Keith attended as proxy for the Lodge No. 2, of one regiment, and that an apology was made for non-attendance; and also that an application was made for the warrant of Deputy-Grand-Master, by Charles Owen Hall, Deputy-Grand-Secretary of a particular Regiment, and that it was decided that no Lodge should be given to a regiment when the same was forbidden by the Commander-in-Chief. When his

Royal Highness wrote his letter to the Committee, he seemed strangely to have forgotten the very nature and rules of the establishment over which he presided—for among the rules of the Loyal Orange Institution, of the date of 1834, might be found one to the following effect:—" No person can be admitted into this institution unless upon the payment of fifteen shillings, nor advanced into the Purple Order unless upon payment of an extra fee of five shillings, excepting in the cases of non-commissioned officers, soldiers, and sailors, in which cases the fee of admission should be at the discretion of the Committee." He, of course, felt regret at giving a vote affecting the private character of any individual; but whatever regret he might feel in a case referring to one so high in station as the person whose name was connected with these proceedings, he felt that he should be shrinking from a public duty, if, after seeing the documents which he had read, he could do otherwise than consider his Royal Highness the Duke of Cumberland as implicated in the formation of Orange Lodges in the army. Entertaining that opinion, it was utterly impossible for him, after hearing the sentiments which had been unanimously expressed as to the effect and tendency of Orange Lodges on the discipline of regiments in which they existed, to avoid concurring with his hon. Friend in all the resolutions which he had moved, and among them, in particular, that one which prayed his Majesty " to direct his Royal attention to the nature and extent of Orange Lodges in his Majesty's army, in contravention of the general orders of the Commander-in-Chief of his Majesty's forces in the years 1822 and 1829, which strongly reprobate and forbid the holding of Orange Lodges in any of his Majesty's regiments; and also to call his attention to the circumstance of his Royal Highness Ernest Duke of Cumberland, a Field Marshal in his Majesty's army, having signed warrants in his capacity of Grand Master of the Grand Orange Lodge of Ireland, (some of them dated so recently as April in the present year) which warrants have been issued for constituting Orange Lodges in the army."

Colonel *Verner* said, he could not concur in opinion with the noble Lord who had just sat down, that the only question for their discussion to-night, was the existence of Orange Lodges in regiments, and the connexion of his Royal Highness, the Duke of Cumberland with their existence. After the Motion which had just been made for a Committee to inquire into the society in this country, and after the letter which had been written by that illustrious Duke, he thought it would be much more becoming to abstain from bringing the matter before the House, or intering into a debate upon it, until that inquiry had taken place. Besides he could not refrain from entering his protest upon his own part, and upon the part of the body to which he belonged, against the course which had been adopted with regard to them, and the unjust and unfair treatment they had experienced. He had spoke in the presence of many members of the Committee, subject to their correction if he stated what was erroneous. When the hon. Member for Kilkenny moved for a Select Committee to inquire into Orange Societies in Ireland, his Motion was seconded by gentlemen belonging to that body, upon which occasion he read a petition which was accompanied by a resolution declaratory of their determination to lay before the Committee all the books and papers, and make a disclosure of every circumstance connected with the Institution. It was naturally expected that the persons who had moved for the inquiry, would be prepared to shew the necessity for it by instituting charges against them. On the contrary, a request was made that evidence should be examined upon their part, even before it was attempted to make out a case against them. This proposal was acceded to, and witnesses were accordingly called. After the examination had proceeded for some time, a further proposal was made, that it should cease upon their part, notwithstanding there were at the time several witnesses in attendance, and others daily expected, to whom summonses had been sent, and that the examination should be continued upon the part of their opponents. This was also submitted to, upon the understanding, that when the examination ceased upon the part of their opponents, they should be at liberty to call such witnesses as they thought proper, in order to rebut the evidence that might be incorrectly given against them, and to complete their case. In violation of this stipulation, the inquiry was closed abruptly, to the exclusion of witnesses who had not been previously examined, and from whom they expected much important and valuable testimony. It was of that they had to complain, being a course wholly unprecedented, and of which no candid mind could approve. He was not going to defend the introduction of Orange Lodges into regiments of the line. As a military man he must disapprove of anything which could by possibility place the soldiers in a situation to disobey the orders of his commanding officer; besides he did not consider the British army in such a state as to require, in the present days, any such stimulus to encourage its members faithfully to discharge their duty to their King and country—but he remembered the time when those who loved the law and the Throne did not object to their being bound by the obligation of Orangemen in addition to those of soldiers, and when the favoured regiments, certainly those in which the Government placed most confidence, were those in which there were most Orangemen. He remembered at the period of the rebellion in Ireland, the Cavan militia, ordered by forced marches into Dublin, in consequence of the disturbed state of that metropolis from disaffection, and he remembered the Armagh and Fermanagh regiments being detained to do the duty of that garrison because the men were chiefly Protestants, most of whom were Orangemen. He also recollected other regiments into which societies of a very different nature had found their way; and he had been present at a Court-Martial where some of the men were tried for being members of these societies, and had paid the forfeit of their lives. He repeated that he was not apprehensive of the loyalty of the army at the present day—that accordingly there was no necessity for the introduction of Orange Lodges into it; but he would remind the House that all information on the subject had been obtained from the evidence of Orange witnesses, and that the candour with which they came forward to give their testimony was a proof that their error in granting warrants was owing altogether to those unacquainted with the military orders which had been issued to officers commanding regiments; and he hoped that when commanding officers of regiments were called upon to make returns that they would be required to state the character and the conduct of the individuals in their regiments who were members of the institution; and he was much mistaken if it would not be found that they were not the worst conducted men in the regiments. It should not be forgotten, that when a law was passed to put down the Orange Society, they did not seek to evade its letter or violate its spirit; when the law said, you are an illegal body, it dissolved. They did not re-assemble under another name—they did not threaten to drive a coach and six through the Act of Parliament passed for their suppression. The noble Lord opposite accuses them of "perverting and seducing the soldiers, and making the army a scene of contention and arrogance." He should like to know from that noble Lord in what manner they had seduced the soldiers; certainly not from their allegiance; they had not tampered with them to become members of the Orange Society, neither had threats been held out to induce them to join in it. It was not likely that the illustrious individual under whose guidance and management the British army was brought to a state of perfection unrivalled by any other country, and hitherto unknown in this, would have allowed his name to have appeared at the head of a society capable of endeavouring to seduce the soldiery under his command. He could not pass by unnoticed an expression which fell from the hon. Member for Middlesex in the course of that debate when last before the House. He should read the words as he had taken them down, in order to afford the hon. Member an opportunity, should he misstate them to set, him right; they were these—"That men thus banded together will say anything." It was unnecessary for him to state, that that observation was applied to the Orangemen. He confessed he felt at a loss in what manner to reply to that assertion. Were he to apply the language his feelings prompted—the only language in which he could answer such an imputation — he might subject himself to their censure, and use such language as Parliamentary custom would not sanction. He should then beg leave to state to the House an instance of the high estimation in which Orangemen were held in the year 1798. He held in his hand an extract from the orderly-book of the Royal Artillery, which he should beg leave to read to that House:—

[COPY.]

G. O. Belfast, June 19, 1798.

Parole Fortitude. Countersigned.

Detail for guard to-morrow as usual.

Field Officer for the day to-morrow, Lieut.-Colonel Durham, Fife Fencibles.

The Belfast Yeomen are to do duty with the Fifeshire, which makes them upon an equal footing with the Monaghan Militia, both corps having 500 men fit for duty. There are 228 Orangemen and Castlereagh Yeomen; one half of them are to be attached to the Monaghan and the other half to the Fifeshire.

The hon. Member for the city of Dublin had frequently boasted in that House and out of it, of having, for five years, laboured to conciliate the Protestants; and as it might appear, they obstinately rejected all the advances of that hon. Member; then he held out to them the hand of good fellowship. He trusted the House would bear with him while he explained the objects and purposes of that hon. Member, for seeking to bring about that conciliation, and leave to hon. Members to judge whether the conduct of the Protestants was or was not praiseworthy, in having resisted all the entreaties and all the efforts of that gentleman; he should first state to that House what was the conduct of that hon. Member at a meeting, when he first began to practise the arts of conciliation; that statement was from a gentleman who had been present, and heard as well as saw what took place:—

At a meeting in January, 1831, when he was in the glory of his agitation for a "Repeal of the Union," the learned Gentleman, after indulging in a long and violent harangue against "Solomon Stanley," and the other rulers of the day, proceeded to metamorphose the faction into "his beloved Orange fellow-countrymen—the most noble, generous and patriotic body of men any country ever saw;" and, continuing for a considerable time in this strain, concluded by praying, with uplifted hands, "that God and they might forgive him." He then pulled down the Orange and green banner which waived over his head, kissed the colours repeatedly and alternately—tore open his waistcoat, and pressed the Orange to his naked bosom, amidst loud and uproarious cheering.

That was the conduct of the hon. and learned Member for Dublin. He should next proceed to read an extract from a letter addressed to the Protestants of Ireland, and dated 14th December, 1833. He would beg to call the attention of the House to one passage in this letter—so different from the language made use of by hon. Gentlemen in that House, more particularly upon a recent occasion, when the noble Lord, the Secretary for Ireland, brought in the Church Bill. Upon that occasion that noble Lord observed, that "he was glad something was likely to be done, at last, for the people of Ireland:"—

TO THE PROTESTANTS OF IRELAND.

December 14, 1833.

The British Parliament is incompetent from ignorance, from prejudice, from want of sufficient interest, and even from want of time, to concoct and effect the measures necessary for the peace, security, tranquillity, and prosperity of Ireland. Will you then join us in our generous and patriotic efforts to procure the restoration of that Parliament, which alone can be efficacious in producing all these blessings.

The hon. and learned Member afterwards continued in the same letter:—

We have attained all we desired, political equality—you have nothing more to withhold from us. Accept the revelation in the spirit in which it is given—the spirit of Christian benevolence and universal charity, of conciliation, of peace, of perpetual harmony.

Even should you refuse, the Union will be repealed. The Catholics alone are 7,000,000 at least. It will be impossible, quite impossible, that this nation should consent to leave its rights, liberties, and prosperity, in the hands, and under the control, of any save Irishmen.

The hon. Member for Dublin then went on to say—

If you Protestants co-operate for the Repeal generously, honourably, and speedily, in twelve months we may have the Irish Parliament in College-green again.

And in a letter to Protestants, dated 10th January, 1834, the hon. and learned Member for Dublin said, "The Repeal would be nearly valueless, unless the Protestants co-operated in the struggle to obtain it. But should the Protestants decline to co-operate in the Repeal, yet the measure has, I now perceive, become inevitable. The Union cannot possibly continue much longer. Even without Protestant aid it will be repealed. I go farther, and verily believe, that even against Protestant resistance, Repeal will, in a very few years, be carried." He should now beg the attention of the House to an extract from a letter, addressed by the hon. and learned Member for Dublin to the people of Ireland, and dated 8th April, 1834. By this time it would appear, that the hon. Member had begun to discover that the Protestants of Ireland were not so easily duped; and he expressed that a difficulty might occur in the province of Ulster—the Protestant province of Ireland. This letter was written previous to the measure of Repeal coming before the House. He said,—

LETTER TO THE PEOPLE OF IRELAND.

8th April, 1834.

Spring Rice and Luttrel Lambert will be followed and supported by some of the high Irish Protestant partizans. We shall then have Peel chiming in chorus with Stanley, Lord Althorp playing second fiddle to Goulburn, Sir H. Inglis figuring at the head of English and Scotch Radicals; and the smaller fry of Whiggery and Toryism in a shoal, swelling the majority into a mountain in comparison to our mole-hill.

At present no difficulty would be likely to occur, save in the province of Ulster.

The next document to which he would call the attention of the House was an extract from a speech delivered by the hon. and learned Member on the 10th of February of the present year. By this time it would be observed, that all hope of conciliating the Protestants, as professed by the hon. Member, had been abandoned, and he thus expresses himself:—"I have spent the last five years in fruitless endeavours to conciliate them; I thought to bring them over—but I might as well attempt to coax with success the suckling tiger or the full grown lion." So here they had it from the lips of the hon. Gentleman that it was not conciliation he sought, but, as he stated to the meeting, "to bring them over;" and he would ask of the House to bear in mind for what purpose the hon. Member wanted to bring them over. Was it not in order to aid him in bringing about a separation between the two countries? And what did these men deserve who stood true to their allegiance—who stood firm to the resolve of maintaining the connexion between Great Britain and Ireland—who had resisted every effort which the ingenuity of that hon. Member could devise, during a period of five years, to accomplish this object—so much so that he could not boast of having made one convert; of having got one individual Protestant in Ireland to disunite himself from his brethren in England? He should make no comment upon the manner in which that hon. Gentleman expressed himself when convinced of his defeat, in a letter addressed to Lord Duncannon, upon the 30th of August. He should merely content himself with reading a portion of it to the House, and leave hon. Members to form their own judgments upon it:

LETTER TO LORD DUNCANNON.

30th August.

Their souls are so hardened in guilt, and so accustomed to the avowed desire of practical cruelty, that they do not affect to conceal their wishes to render Ireland once more a desert, and to irrigate her plains with the blood of her inhabitants.

Then, in a letter addressed to the people of Ireland, after saying "The Orange faction are, in point of intellect and understanding, the most deplorably degraded that ever excited the contempt or scorn of mankind," the hon. and learned Member for Dublin continued.

Then, as to their moral qualities, what are they?—The preaching of the wholesale procription, massacre, and extermination; they call themselves Christians, they preach up doctrines almost too bad for the eternal enemy of mankind to suggest to human depravity; bayonets and blood, bayonets and blood, form their texts and commentary. Their laymen vie with their parsons in ruthless atrocity, and it becomes doubtful which of the two are the more ready to preach rapine, murder, and desolation; the infernal spirit of religious persecution reigns over the whole, and renders the Irish Orangeists the most depraved as well as the most despicable of the human race.

So much had been lately said of the disturbed state of the north of Ireland, and the outrages committed in that province, that he felt he should not be discharging his duty honestly to its inhabitants, unfortunately those of the county which he represented, and which had been frequently pointed at by the hon. Member for Dublin, were he not to place before the House the true state of Ulster, as compared with the other provinces in Ireland, and this could not be better done than by referring to the charges of the Judges, when addressing the grand Juries upon the several circuits, for which purpose he selected a few from each province, which he would compare with the entire province of Ulster. His duty in attending Parliament this year, prevented him being at the assizes; so that the extracts he had made, were made last year, when he had an opportunity of doing so with greater correctness, having been in the country. From thence it would appear, that in the province of Ulster, the most populous province in Ireland, in which were the great towns of Belfast, Derry, and Enniskillen, not one capital conviction took place—and yet this was the Orange province, and as such held up for desecration. The hon. Member read some accounts of the different assiz s, from which it appeared that Ulster was remarkably free from crimes; while the other provinces were much a prey to criminality. He should now submit to the House an extract from a return laid upon that Table, to which every hon. Member could refer. It was the Return of the constabulary force in Ireland, and they could see what proportion Ulster bore to the other provinces:—

By the Returns of last year, laid upon the Table of this House, to which every hon. Member could refer, the amount of the constabulary force was thus:—

Munster	1,383
Connaught	1,752
Leinster	2,589
Ulster	1,178

By this Return, it will appear that the force of Ulster was less than that

of Munster by	205
of Connaught by	572
of Leinster by	1,411

—or Leinster was 233 more than double that of Ulster.

But what is most deserving attention is, that in two counties, Galway and Tipperary, the constabulary force exceeds that of the whole of Ulster by 47—containing nine counties, two of which are in the first scale as to extent and population.

Military force last year:—eight regiments of cavalry—twenty-nine infantry—nineteen dépôts—fifty six in all. Of which there were in Ulster—Two regiments, one dépôt, and part of another regiment.

He would then remindthe House of the distribution of the military force stationed in Ireland, and to that he would particularly call the attention of the hon. Member for Middlesex, aware of his love for economy. A trifling variation might have taken place in the amount of the force generally throughout Ireland between the present and the last year, when that Return was made; but the proportion allotted to the province of Ulster remained the same. He had only to remark to the hon. Member for Middlesex, that if the other provinces in Ireland were like Protestant Ulster, allowing a sufficient garrison for the duty of Dublin, the whole amount of military in Ireland would not exceed twelve or thirteen regiments. He thought he had now shown that Ulster had been most foully and unjustly represented in that House—that it had been admitted upon the part of the hon. Member who represented the people of Ireland, that all that was wanted to procure the repeal of the Legislative Union was the co-operation of the Protestants—that all he feared was the resistance of the Protestants of the North. He would, therefore, call upon hon. Members, if they valued the connexion between the two countries—if they valued the only men in Ireland who upheld that connexion, not to join in the endeavour to put down Orangemen of Ireland.

Mr. *Wilbraham* observed that it had been stated in the letter which had been so often alluded to that night, and which was written by an illustrious Duke, to have been alleged that the only regiment in which he was aware of the existence of an Orange Lodge was the 4th regiment. Now he had the honour to be a Member of the institution established in that regiment, and he could unhesitatingly state that his royal Highness was misinformed, or laboured under a gross error, if he supposed that the lodge in that regiment was an Orange Lodge, in the sense in which that term was at present understood. He might appeal to his known principles, not only since he became a Member of that House, but since he could form an opinion on any subject, as strong proof against the possibility of his joining a society established on the principles of Orangeism as they now prevailed. The Lodge to which the illustrious Duke alluded was of a totally different character from those which now existed: it was, in fact, a lodge of a purely military character. It was instituted by William 3rd, and the only resemblance which it bore to the Orange Lodges of the present day was, that its members were allowed to wear a badge, which consisted of a riband, half blue and half yellow in colour. He could, however, venture to assert, that nothing even approaching political opinions formed any test as to the admission of its members. The qualification for admission to it was either to have served four or five years in that regiment, or to have performed an active campaign. It was as a candidate who had acquired the latter qualification that he had obtained admission to that body. Besides, it was officers and not men who were competent to become members of the institution. On one occasion, at a review, George the Third inquired what the ribands worn by the members of that Lodge meant, and upon being told that they were only marks of military distinction, he expressed himself perfectly satisfied. Now he asked what similarity was there between that Lodge and the Orange Lodges, as they were now proved to exist, except the fortuitous one of its members wearing a riband of a colour like that which distinguish those who at present belonged to Orange Lodges? He had certainly been alarmed at the extent to which it had been shown those Lodges had existed, and the root which they had taken in the army, for he could not help considering their existence as tending directly to the overthrow of all discipline, and as being most likely to make the British army more formidable to its friends than to its foes. Surely dissensions enough existed in the country, and amongst all classes and professions, without introducing this the strongest incitement to the disturbance of the peace and tranquillity of its inhabitants. And if it were found that a Member of the other House of Parliament—no matter how sacred might be his functions, or high his privileges—had lent his countenance to such a system, it must be evident that he was pursuing a course which, instead of adding lustre to his rank, must, if it were followed up, inevitably tend to the extinction of all kind, charitable, social, and truly religious feelings. He would give his cordial support to any feasible measure for putting an end to such Societies as Orange Lodges in the army

Sir *Edward Codrington* felt bound to warn the House against suffering these secret Societies to contaminate the navy. He merely rose for the purpose of putting the House on their guard against allowing the spread of these bodies, and not with any view of answering the Hon. and gallant Gentleman; because he was not aware that the gallant Officer had urged a single point which bore out the question before the House. He was certainly most anxious to avoid entering on these Irish disputes, which the hon. and gallant Member had brought under the notice of the House. There was one point however, to which he felt compelled to allude. The hon. and gallant Officer had referred particularly to the year 1798 as that in which the loyalty of Orangemen was eminently displayed. Now, he begged to remind the hon. and gallant Member and the House, that in that very year a mutiny had broken out in the Navy from the establishment of such a society as that of the Orange Lodges, which had nearly had the effect of proving destructive to the country.

Mr. *Sheil* said, that in the Committee the functionaries of the Orange body had been in the first instance examined. The Member for Armagh, who is Deputy Grand Master and Viceroy to the Duke of Cumberland, had been upon three several days produced as a witness in favour of the Orange Institution, and as an encomiast of himself. Mr. Swan, the Deputy Grand Secretary; Mr. Stewart Blacker, the Assistant Grand Secretary; Mr. Baker, another Grand Assistant—(of these grandees there was no end); Mr. Ward, the Grand Solicitor, and Mr. Mortimer O'Sullivan, a gentleman most competent to give evidence concerning both religions, for he indulged in the "pleasures of memory" with respect to the one, and in those of hope with regard to the other. All, in short, of the chief Officers of the Orange Institution had been examined, Their own journals, annals, and records had been resorted to. The Orange body had ostentatiously made a profit of these documents, and from those sources conclusions, not only beyond doubt, but beyond dispute, had been deduced. What appeared to be the state of Ireland in reference to the Orange Institution? A vast confederacy existed, exclusively Protestant. It consisted of upwards of 100,000 men; the members were initiated with a solemn and mysterious ritual—they entered into a compact of religious and political brotherhood — signs and pass-words were employed by them for the purposes of clandestine recognition—their proceedings were regulated by a code of laws the most specific and the most minute—they were governed by a great representative assembly called the Grand Lodge of Ireland, consisting of deputies from every part of Ireland—the whole country was divided into districts, in which Lodges affiliated and corresponding to each other were established —and this enormous mass of organised Protestantism was armed, while a Prince of the Blood, not next, but near the Throne, was at its head. How this extraordinary and unparaleled institution had worked, for evil or for good, its results must have been seen. Let them go into detail and inquire what has been its effect with respect to the administration of justice and the peace of the country? And let them further ask how it has been employed as a political engine, and under what circumstances, and with what cognisance it had extended itself into the army? The Orange Grand Lodge had defended a series of prosecutions instituted against the members of this turbulent fraternity by the Crown. An Orangeman, in the streets of Dundalk, strikes with a knife a Roman Catholic dead—he is prosecuted,—convicted of manslaughter, and sentenced to two years' imprisonment. His defence was conducted by the Orange body. Certain Orange rioters at Newry were sentenced to sixteen months' imprisonment—to these malefactors the Orange Grand Lodge extended their pecuniary aid, and conducted their defence. They not only defended but prosecuted. Three magistrates in Cavan dispersed an Orange procession; the Grand Orange Lodge determined to institute a prosecution against the civil authorities who had the audacity to interfere with them; they sent down to Cavan their solicitor, Mr. Wood, and the grand jury threw out the bills. At the last Meath election, a body of 200 Orangemen gathered from the adjacent counties, and entered the town of Trim. They filled the Court-house; a dagger was seized in the hand of one of them by the High Sheriff; they spread confusion and dismay, and after having enacted their part they returned to the town of Kells.—Here they met a Roman Catholic; they put him to death; they were prosecuted, and the Grand Orange Lodge, by a specific resolution, advanced money to conduct the defence. Picture to yourself an Irish court of justice: an Orangeman is indicted; in the jurors' box twelve Orangemen are placed; the magistrates, if the case be tried at Quarter Sessions, are members of this fatal fraternity; under these circumstances, what a mockery is the administration of justice! Sir Frederick Stoven spoke of it as a subject of public ridicule and contempt. But facts were better than opinions. Take the following:—In a prayer-book a notice of Orange assassination is written; Sir Frederick Stoven and his subordinate, Mr. Duff, who was employed in the police, had incurred the displeasure of the Orangemen of Tyrone, and in the prayer-book belonging to the wife of Mr. Duff—which she had left in the church which she had been in the habit of attending—an Orange notice threatening death—death to Sir Frederick Stoven and her husband was written. Almost immediately after, a meeting was called at Dungannon, at which the Orangemen appeared in considerable force, with military music, and invested with the factious and offensive decorations. A scene of great excitement ensued—a musket is discharged at Sir Frederick Stoven, and the ball whistled passed his ear. What, the House will ask—atrocious as the circumstances may appear—what had all that to do with the administration of justice? At that meeting, attended with so many incidents of a revolting character, Lord Claude Hamilton was made an Orangeman; he was initiated at the house of a publican of the name of Lilburne; and immediately afterwards he was made a magistrate. God forbid he should charge the noble Lord with being influenced by a sentiment of partisanship in the discharge of his magisterial duties. I grant him (said Mr. Sheil) to be pure—it is difficult however to believe that he will be unsuspected. In this state of things what other feeling but one of dismay amongst Roman Catholics, and of offensive conduct and exasperating exultation can exist amongst the Orange population of the country. I appeal to a fact again: At the last Spring Assizes for the county of Armagh, three Orangemen were prosecuted for marching in a procession. Baron Pennefather suggested to them, with a view to mitigation of their sentence, that they ought to express regret for having violated the law. What was their reply? Did they intimate their contrition? Did they declare their determination never to commit a similar outrage on the public peace again? No, Sir, in open court, and in the face of the Judge, these audacious confederates whistled an air called "The Protestant Boys," and what do you conjecture was their sentence? Not two years imprisonment, not one year, not six months: no, Sir, the learned Judge tempers justice with mercy, and sentences these presumptuous delinquents to an imprisonment of three weeks. The Dorchester labourers were sentenced to transportation for seven years, and the Orange malefactors are sentenced to an imprisonment for three weeks. How has the Orange society affected the peace of the country? We are told that Ulster is in a state of most profound and prosperous repose, but by the evidence what appears? In the broad open day a body of Orange incendiaries enter a Roman Catholic village called Anagagh, and in the face of the noontide sun set the houses of the Roman Catholic inhabitants on fire; they then retire to a hill called Kinnigo, to the number of near two hundred; they form themselves in military array, and wait the arrival of the police troops. Sir Frederick Stoven advances at the head of the military, with a piece of artillery, in order to disperse them, the magistrate, by whom he is attended, declines giving an order to fire, and the Orangemen, with sloped arms in martial order, and with martial music, bidding and looking defiance, march away. And how were they armed? With yeomanry muskets. The entire yeomanry force of Ireland is in fact enrolled in the Orange Associations, and when a conflict ensues with the people the consequences are easily foreseen: witness the slaughters of which they have been guilty, the blood in which they have waded, the horrors which they have perpetrated: witness Newtownbarry. How has the Orange institution been employed as a political engine? To their declaration of allegiance, a condition, primed with danger, is attached. They engage to maintain the throne so long as by the throne Protestant ascendancy is supported. They expel from their society every member who does not comply with the ordinances at elections. They issue proclamations commanding every Orangeman to petition Parliament for or against specific measures. At the close of the last year it was determined by a cabal that Lord Melbourne should be driven from office. At Hillsborough 75,000 Orangemen were assembled to sustain the Conservative adventurers in their daring and desperate enterprises. But it will be said, "had they not a right to do all this?" Had they not a right to meet and petition Parliament, and address the Crown at Hillsborough? Be it so. Granting the prerogative at Hillsborough, what have they to do with Quebec? The House seems startled with the question. It is readily explained. The Orangemen of Ireland have passed resolutions for the extension of their society into Upper and Lower Canada. The Grand Lodge of England have appointed a Grand Secretary to visit the British colonies of North America, with directions to communicate with the Imperial Grand Master. Why is this?—Upon what pretence? For what purpose? Is their object defensive? What in God's name, have the Irish or English Orangemen to do with Lower Canada, whose religion is Catholic, whose Established Church is Catholic, whose legislature is Catholic? Are they not contented with sticking the baneful roots of their confederacy into the heart of the British empire, but they must extend ramifications across the Atlantic, in order to supply to our fellow-subjects in the North American colonies their poisoned fruits? I come to the army. How inconsistent and anomalous are the encomiums and the admissions of Orangemen in this particular. They praise the Orange Societies without limit. This loyal brotherhood, according to their account is the guardian of peace, the promoter of tranquillity, it enforces order, loves God, and honors the King. What a pity it is, that in despite of the notorious rules of the Horse Guards, and in violation of every principle of military discipline, this society should have introduced into the army its secret and mutinous organisation? The fact is now beyond all dispute; but there are circumstances connected with it, which are not a little remarkable. There is in the code of Orange legislation an ordinance that all regiments in the army shall be considered as districts. It is the 15th rule of 1824—of this rule the Grand Master never heard. So late as this very year, in the Grand Orange Lodge of Ireland a warrant was granted to create a lodge in the army, and who was in the chair? Mr. Cromelin the Grand Master of the county of Down. This resolution and the presidency of Mr. Cromelin on the occasion, appears in the appendix to the report. But let the House mark the following resolution, that the next warrant should be granted to the 66th regiment. Who was it moved that resolution? No ordinary individual—a man who began his political life as a Fellow of Trinity College (of which the Duke of Cumberland is Grand Master) who has since figured in Brunswick meetings in England—the Reverend Charles Boyton, the associate of Mr. Mortimer O'Sullivan, the Grand Chaplain of the Orange Grand Lodges, and (mark it) the chaplain to Lord Harrington, the late Lord Lieutenant. But all the functionaries of the Orange body, despite all this, were ignorant of what was going on in the army. The knowledge of some people is wonderful, but not half so marvellous as the ignorance of others. The next time the hon. Gentleman opposite, the Grand Treasurer, late Treasurer to the Ordnance, who was admitted with the Duke of Wellington a Doctor of Common Law at Oxford, visits that learned and loyal establishment, I pray of him to revive the old college play of Ignoramus, the principal characters to be performed by Alexander Perceval, Harry Maxwell, and his Royal Highness the Duke of Cumberland. His Royal Highness has written a letter. He never heard of Orange Lodges in the army—never heard of the orders of 1822 and 1829, of the rule of the Orange body, that every regiment should be considered a district—of the majority of the Grand Lodge having carried a resolution, on a division, to establish Orange Lodges in the army—of the printed book of warrants, in which the list of military warrants is contained; neither does his Royal Highness recollect having been present, when, in 1831, 1832, 1833, and 1835, warrants were granted, while he was in the chair, to military men, and actually a soldier attended as representative of his regiment. His Royal Highness does not bear all this in mind, and is utterly ignorant of the introduction into the army of the Lodges of which he is the Grand Master. Heaven forbid that I should question the truth of his Royal Highness's allegations; I fly in the midst of difficulties, which might startle the belief of men of less accommodating credulity than mine, to the theology of my religion, and get rid of all embarrassments by exclaiming, "*Credo quia impossibile est.*" But, Sir, putting this question aside, there is a consideration of infinite importance connected with his Royal Highness, and independent of his knowledge or his ignorance (the latter I do not care to controvert.) Is it befitting that any British subject should possess the power of which he has made himself master? Is it right and is it safe that a Prince of the Blood should be invested with this portentous authority? He is declared, by the rules of the English Grand Lodge, to be absolute and uncontrollable; he is addressed with a species of prophetic greeting, "Hail, that shall be King hereafter!" I acquit him (and I am quite sincere) of a design so preposterous as that of interfering with the succession: if he is ever to be King, a legitimate sovereign and nothing else shall he ever be: but if, instead of having his foot on the steps of the throne, he is destined to be seated in it; if by some fatality England shall be deprived of the Princess, the object of our affection and of our hope—that Princess, who, if maternal virtues are hereditary, must be wise, and just, and kind, and gentle, and good—if, Sir, the Imperial Grand Master is fated to be the sovereign of this vast empire, I trust that he will look to the just support of the people, to their confidence and their loyalty for the sustainment of his rightful prerogative, and that by 100,000 Irish Janissaries, the throne of Ernest the First will never be surrounded. One, and the most important of all questions (a plain and simple one) remains. Such being the facts, what is to be done? That something must be done is manifest. You cannot—you must not tolerate this institution. If you do, what will be the result? How will the Roman Catholic soldiers feel, with whom your army is filled, who have fought your battles, participated in your glory, and furnished the raw material out of which the standard of victory has been wrought? And leaving all consideration of the army out of regard, what, if you do not crush this baneful society will in Ireland be the consequence? If by your connivance, you convert this confederacy into a pattern, instead of by chastisement making it an example—and if a counter organization shall be formed—if we, the Irish millions, shall enrol ourselves in some analogous organization—if its members shall be admitted with a solemn religious ceremony if the obligation of political fraternity shall be inculcated—if signs, and tests, and pass-words shall be employed—if a representative assembly, consisting of deputies from every Irish county, shall be held in the metropolis, and subordinate lodges shall be held in every department into which the country shall be subdivided, then, Sir, what will befal? Woe to the vanquished, and to the victors woe! The gulf of civil warfare will yawn beneath the feet of Ireland, and in the abyss all her hopes will be for ever swallowed. Avert, for God's sake, avert the calamity, which, if I have anticipated, it is to shudder at its prospect. Save us from these terrible possibilities! I call on his Majesty's Government to adopt a measure which, by its timely application, will prevent these terrific results from coming to pass. If I relied upon them less, I should warn them more. But, in their energy, their wisdom, in the great and good things which, in a time so short, and under the pressure of difficulties so pressing, they have accomplished, I find a sufficient pledge. I will not tell them that I exect, because I know, that they will do their duty.

Mr. *Randal Plunkett* said, that however embarrassing it might be to arise amid the thunders of applause which were greeting the eloquent effusion of the hon. and learned Member for Tipperary, he should not, under any circumstances, shrink from doing what he deemed a duty towards an institution, of whose principles and practice he, at least, would not profess ignorance, and by which he was determined to stand or fall. He did not arise to defend the illustrious individual who had been assailed; that would be, he believed, ably done by a gentleman who was to follow him; but he must say that, in his very humble opinion, that illustrious personage would not be well counselled if he were advised to disconnect himself from an institution, founded on the very principles which placed his family on the throne of these realms. He could not but express astonishment at the course pursued in this case, when it was evident that the hon. Member for Middlesex merely made use of the circumstance of there being Orange

Lodges in the army [as a peg whereon to hang a lengthened string of charges against the most decided of his political opponents. He did not pretend to have been ignorant that there were Orange Lodges in the army. Until he heard of the circular of the Commander-in-Chief, however, and the observation of almost all hon. and gallant officers on both sides of the House, he was ignorant that there was any harm in encouraging among the soldiery an enthusiastic ardour for the cause of the King and country for which they contended. He now learned—what? Why only that it was not in accordance with military discipline and subordination. Well, be it so; but surely if the only object was seriously to prevent Orange Lodges from continuing to be held in the army, where they were in fact almost in abeyance, a second circular from the Horse Guards would have done the thing in a manner much less offensive. The hon. Member for Tipperary had called him the substitute of the hon. Member for Drogheda. This certainly came well from the late Member for Milborne Port, and now Member for the worst county in Ireland, in which there were 550 murders in two years and a half, and but two Orange Lodges. But he wondered that hon. Members opposite should be so tenacious as to the particular seat in Parliament an hon. Member occupied. He was not surprised at an attack upon himself, for he had never experienced at the hands of hon. Members opposite, even that conventional courtesy which he had heard that the House was wont to extend to young Members. The first evening that he spoke in that House, the learned Member for Dublin attempted to overwhelm him (Mr. P.) by a torrent of vituperation; the next time it was affected indifference—and the last it was by disturbance and interruption. Now, he asked of Englishmen for nothing more than a fair field and no favour when he spoke, that the maxim should be followed *audi alteram partem.* The joke, he confessed, was rather bad, that he was a substitute for the representative of Drogheda, when if it had not been for the violence and intimidation exercised by persons who agree with the hon. Member for Tipperary, he should now be member for his native county of Meath, in which he resided, but which he did not represent, although he contested it against the present members for the county, who were both strangers, while his (Mr. P.'s) family had been for centuries resident in that county, defending in Ireland the British pale. But to revert to the subject—he joined the Orange institution when many of the most distinguished for station and influence in the country did join it. He had seen a hundred Orangemen initiated, but never took, or saw taken, oath, test, or declaration. Why did he and others, gentlemen of some little importance in their own country, join the institution? They found it in existence and in power; its principles were approved; there were two courses open to them—either to attempt to put down an institution of 220,000 loyal men, which attempt might possibly create disaffection from, or resistance to the law, or to put themselves at its head, and thus govern and guide it, thus to calm excitement, and to put down agitation. They took the latter course, and for his own county of Meath and its neighbourhood, he could only say that since he had influence in that county, there had never been a suspicion of guilt or crime attachable to Orangemen, save the one memorable case at Kells, of which he verily began to fear he should never hear an end. He thanked the hon. Member for Tipperary for the happy allusion—he did not ever allow himself, as a magistrate and grand juror of Meath, to hint at his opinion publicly, until these men were fully and fairly tried—they now had been tried, and a jury, composed of Roman Catholics and Protestants, after a full and lengthened investigation and trial, went in to decide; were not ten minutes in deliberation on the verdict, and the first man to pronounce those Orangemen perfectly innocent was a Roman Catholic juror. By the evidence of Sir Frederick Stovin, it appeared, that when other Orange districts were disturbed, Fermanagh, and the neighbourhood of Rathfriland, were perfectly quiet. Why so? Because the one was presided over by Lord Enniskillen, who was an Orangeman, and the other by Lord Roden, while Tyrone was disturbed, and Armagh, where were Lords Caledon and Gosford, who were not Orangemen, and therefore had no influence with them. He wished there were no secret signs or passwords in the institution; but as to suppressing it, what would England do, in the absence of any other Protestant Association for the same purposes? He begged to state most distinctly, that he conceived the Orange institution defensible only as a defensive, or at the most a protective Association: and under what better banner could Protestants assemble, than that of the Prince of Orange who saved them — he did not say from Roman Catholicism, but from tyranny, arbitrary power, and all its results? The hon. Member, whose almost unrivalled defence of Orangeism, began the debate this evening, had hardly left him (Mr. Plunkett) anything to add to his perfect oration. He would merely allude to the present state of Ribbonism. Was it possible that the noble Lord opposite (the Secretary of State for the Home Department), could venture to justify his conduct the other day, when laying his hand upon a heap of papers or reports, as he said, relative to the Ribbon Society, he insinuated ignorance of the nature and extent, and almost existence, of that Association? That Society was as well known to every Irishman as the Orange Society had begun to be to the Senate. There was a central Committee in Dublin; he believed it sat in Gregg's-lane, and there were Lodges throughout the country, and the peasantry themselves would tell them, that they were almost all sworn. So much was this the case, that the following was a practice adopted when a Ribbonman enters (by passwords and signs) a public-house in a neighbourhood he does not know; he drinks to one of the Lodge who knows the neighbourhood; the latter fills his glass, and is asked by the visitor, "is it clear?" The other says (unless they are all Ribbonmen), "no, there are so many motes," meaning those who in the room were not Ribbonmen. The signs and passwords were changed every month, and in March or May they were partially as follows:—One Ribbonman meeting another, accosted him thus, or nearly—"Where are you going?" "To destroy Luther."—"What do you mean by Luther?" "The dark fog that comes out of the pit from which Luther and Calvin rose." All the signs of every month, and some oaths sworn to on trials, proved that the object of the Ribbonmen was to exterminate Protestants. He would put the case, that a simultaneous rising were agreed upon by all the Catholics of Ireland, that the Protestants beheld at once the summit of every hill blazing with the dread signal of the blessed turf, from the Cove of Cork to the Causeway, and from Limerick to the Liffey, upon whom could the Magistracy—upon whom even could the Government call, to save the homes, and hearths, and halls —the families and females of the Protestants of Ireland from ruthless ruffians? The altars had been already desecrated. He was irresistibly reminded of the truly simple observation of a most excellent Judge, sent over from England, when he was told, that the Irish would not know what to do if there were such a rising. "Why (said he) could not the Sheriff call out the *posse comitatus* of the county?" Only imagine an Irish Sheriff calling upon the *posse comitatus* of his county? Again, he said, upon whom could the King's Government themselves call? None but the loyal Protestants would respond to his call. The hon. Member concluded by intreating the House to pause and consider, whether it were just to put down the Orange Society before the Ribbon Society was suppressed, and if it were just, was it also expedient.

Mr. *Twiss* regretted the general tenour of the observations of the hon. Member for Tipperary, tending as they did, to the intimidation of the judicial authorities in Ireland. Much had been said in regard to an Illustrious Individual, and it was plain that for party purposes, hon. Gentlemen on the opposite side were resolved to endanger the whole of their professed object in relation to the Orange Lodges, rather than fail in the attack which had been made upon that Illustrious Individual. In the imputations against him no one who calmly considered the circumstances could concur. What right had the House to pursue a question, referring to the point, whether or not an Illustrious Personage had violated a military rule? But it was by no means probable that the Duke of Cumberland was aware of the existence of Orange Lodges in the army. With regard to what took place at the meetings, it did not appear that the Illustrious Duke knew of, or took any part in the arrangement respecting Orangemen in the army, and with regard to former rules, dated in 1800, was it to be supposed that he could bear them in memory up to 1828? If they applied the same tests to the case of the Duke of Cumberland as to any Chairman of an ordinary Society, credit must at once be given to the letter of his Royal Highness. He would beg to remind the House of a Motion which had been brought forward, tending to censure a noble and learned Lord, now the Lord Chancellor of Ireland, for having, as one of the Commissioners for Ecclesiastical Purposes, signed a paper recommending the dissolution of certain Ecclesiastical Unions, and for having, notwithstanding that recommendation, presented a son of his own to one of those continued Unions. He did not refer to this circumstance for the purpose of casting any censure upon the noble and learned Lord. No man could value or respect him more than he (Mr. Twiss) did, but he wished to remind the House, that the decision which was come to on that occasion was founded on the belief, that the noble Lord had forgotten his having signed the paper; or, in fact, that he had not signed the paper upon any minute investigation, but rather upon the faith and credit of the Colleagues with whom he acted. He only asked the House to deal out the same measure of justice to the Duke of Cumberland which they had formerly dispensed to Lord Plunkett. He contended, that no case of danger was made out to call for further inquiry, and the only question was as to the form of passing the Resolutions before the House. The Ribbonmen were as illegal as Orangemen, and should be embraced by any decision to which the House might come. The House would not do justice if it did not include other parties as well as Orangemen, if there existed a class of men in Ireland, or elsewhere, who, by their speeches, or otherwise were equally dangerous to the peace of the country with Orangemen, he hoped the Government would not overlook such persons.

Sir *Edmund Hayes* said, that the hon. and learned Member for Tipperary had stated, and apparently had made some sensation in the House, that the Orangemen were to a man armed. Now, making due allowance for the fertile fancy of the learned Gentleman, he admitted that to a great extent they were in possession of arms; and he wished particularly to draw the attention of the House to the circumstances under which many of them were obtained. Were they bestowed by a Tory Ministry—a Ministry sympathizing with and respecting that body? Undoubtedly not; but by that Government, many of the Members of which he now saw opposite, the head of which was Earl Grey. He remembered how in the year 1831, when the hon. and learned Member for Dublin began his Repeal agitation in good earnest, immediately after the Catholic Bill, the Marquess of Anglesey, who then administered the affairs of Ireland, became alarmed, and was apprehensive that some forcible attempt was to be made for a Repeal of the Union, judging from the feelings which ever prompted, in his own breast a generous carelessness of personal safety, supposed that the agitators might place themselves at the head of an insurrectionary movement, in order to accomplish that which they ever inculcate on their hearers as the first object of life, viz., Repeal. Little did he know that the Irish demagogues, however they stimulate and excite their unfortunate countrymen to acts of violence and outrage, uniformly shrink from a participation of that danger in which they involve others. But what did he do? He instantly dispatched a General Officer to inspect and revive the Protestant Yeomanry, and distributed clothes and arms to the amount of 60,000*l.* He would ask the House, whether there could be any testimony more valuable than this, coming, as it did, from a reluctant witness?—for that Government was no friend to the Protestants; there was no opportunity lost of reviling and discouraging them; yet, in a moment of danger, no other body could be found to lean upon, whose fidelity and allegiance were to be trusted. With regard to the immediate subject of this discussion, he must say, that there were no terms of reprehension used on the other side, with respect to the establishment of military Lodges, to which he did not fully agree. It appeared to him most dangerous to the discipline of the army; he held it to be indisputable, that no soldier should be liable to the temptation of hesitating one moment between the commands of his Officer, whatever they might be, and the opinions of the political body of which he was a member: therefore, he would consent to any measure that was necessary to eradicate and prevent such a system. The hon. Member for Tipperary had dwelt upon the mischiefs arising from an undue interference in the administrations of justice, and had cited some cases where subscriptions had been made to defend some of the poorer Protestants who had been made subjects of prosecution; this was a new doctrine, that in this free country, because a man, unable to do so by his own means, should be assisted in availing himself of the means of defence provided by the laws of his country, that a charge should be made of polluting the source of justice. Why is Ulster, the strong hold of Protestants and Orangemen, so happy and quiet if justice is unfairly administered. If the Protestants are the violent, sanguinary, and oppressive men which the Members opposite describe, how is it that they live on such good terms with their Catholic neighbours in the North, where their numbers are so strong that they could easily indulge in insult and oppression if they were so disposed. The opposite side of the House often was challenged to account for the contrast afforded by the peaceable state of Ulster; he now challenged them, but they would shrink from it. There were some regulations of the Orange Society which he did not approve of; some of their old ceremonials and symbols were trifling and ridiculous, and had been dressed up in the language of ridicule which they perhaps deserved, but they had nothing to do with the Question before the House. The great Question for the House to consider was, how they would ultimately deal with a great confederacy of this kind, powerful numbers, powerful in combination, powerful in moral energy, and bound together by the most ardent zeal to preserve the connexion between the two countries. The House might stop processions, and might put an end to external demonstrations; but could they by any law prevent the operation of the first principles of human nature, protection and self-defence. The Protestants well knew that the period of the Repeal, if ever it should happen, would be the day of practical vengeance upon them; that Question, it was true, slumbered at present. The hon. and learned Member for Dublin was a man of too much sagacity not to perceive that for the present it was his interest not to revive it, as long as the Government were doing his work and subjected to his influence—whenever the time arrived, most suitable for his views, he would re-agitate it, and with a greatly redoubled prospect of success; who then, in the day of danger, which, beyond a question, would come sooner or later, were to be depended upon by England, except the Protestants? He warned the Government with all the solemn earnestness which he could command, to beware of discouraging too much, and alienating too widely, the affections of those men whose only wish was to live in peace, to maintain their religion, and to preserve the Union. The terms Protestant and Orangeman were daily becoming nearly synonymous terms. Those Protestants who had passed all their lives in the advocacy of liberal policy, were now designated as furious partizans, because they refused to be harnessed in the trammels of the agitator; nay, even Catholics (and they were many) who wished to live in peace, and preserve the Union, were equally condemned, and called Orange papists, and the Government, the moment they ceased to go as fast as those that ruled them wished, that moment they would be cast off as useless but degraded instruments. Before he sat down he wished to advert to a remark made by the Member for Tipperary, regarding a rev. friend of his who long took an active part in Irish politics—he meant Mr. Boyton. It appeared that his name was attached, as proposing a resolution for establishing a lodge in a regiment; he was authorised by that Gentleman to state that nothing could meet more with his strong disapprobation than the existence of lodges in the army. Although at that time prominent in politics, he took very little part in the details of the Orange body, and if his name did so appear, it was without his knowledge, for frequently the name of a person who was known to be an active friend was put down as proposing or seconding a resolution, without the knowledge of the person so inserted.

Lord *John Russell* wished to say, consistently with what he had said on a former night, that he had no objection to all the resolutions which described the organization of Orange lodges, and which condemned the existence of them in the army. But he objected to the 5th and 6th resolutions; and was not disposed, until further information was given upon the subject, to acquiesce in that resolution in which the name of his Royal Highness was mentioned. With regard to the fifth and sixth resolutions they must be reserved for future consideration; and with regard to the resolution affecting the conduct of the Duke of Cumberland, he had been in hopes that such an explanation might have been given as would have been satisfactory to the House; and he did not think it would have been very difficult (supposing all that had been stated on the other side of the House to be correct) to have given such an explanation; but instead of this they had nothing further from his Royal Highness than an assurance that he signed blank warrants, and that if it were proved to him that any such warrants had been directed to any regiments, he would order them to be annulled. I own (said the noble Lord) that after giving the utmost candour asked for by the hon. Member for Drogheda to this explanation, I cannot say that I do think that that is a satisfactory statement. I was in hopes, taking for granted, which I am perfectly ready to do (however circumstances may appear to lead to a contrary conclusion) that the whole of these proceedings—both the granting of the warrants, and the passing of the resolutions at Lord Kenyon's had been carried on without the knowledge of those persons who were the chief officers of the Orange Society; I say I was in hopes and did expect that when those persons discovered the course which had been carried on so injuriously to the discipline of the army under their name and their authority, that they would have disclaimed all connexion with those who had so acted. The noble Lord proceeded to say, that in his opinion everything that had been said by the advocates of those parties, on their behalf, tended to strengthen this conclusion. All that the House had heard stated of their perfect and entire ignorance of these transactions—all that the House had heard of the facts which had been concealed from them, led him to the conclusion that they ought to have expressed their indignation— not against those who brought this Motion forward, and who called the attention of the public to the facts—but against those unworthy, unfaithful, and treacherous coadjutors with whom they had been allied. With these opinions he should feel himself compelled to vote (with the exception of the fifth and sixth resolutions, which he thought the hon. Member for Middlesex would have no difficulty in withdrawing) for the resolutions before the House. Whether it was originally the best course to have taken to bring forward these resolutions it was not for him to pronounce; but looking at the resolutions before the House, or if they were to pass them by, it would seem to indicate a satisfaction on the part of the House with that with which it was impossible for the House to be in any degree satisfied. With respect to the two resolutions which he wished the hon. Member for Middlesex to withdraw—concerning the peace and tranquillity of Ireland—he thought they must form a very serious subject of deliberation in a future Session. He should enter into that deliberation with the opinion that it was not necessary that these Orange societies should exist for the purpose of maintaining the union of the two countries; nor that Orangeism was synonymous with Protestantism. They had the testimony of Lord Caledon that those who belonged to these societies, so far from being friendly to the existence of the union of the two countries, offered, by their conduct as Orangemen, the greatest obstacles to the firm cementing of that union. He should enter upon the deliberation of the subject as it became a Member of the Legislature of this country, perfectly regardless of the threat of the hon. Member for Drogheda. He should enter upon it without the least regard for any other society of a similar nature be it called by whatever name it might. He was convinced that one of the greatest obstacles to the prosperity of Ireland consisted in the existence of societies pitted against each other; one professing to be formed upon the pure principles of Protestantism, and the other upon the principles of Catholicism; but both encouraging feelings of enmity and hatred against each other, and a general disregard of the authority of the law. He thought that this subject ought to be considered with the understanding that all the King's subjects were equal in the eye of the law; and that the law ought and should reign supreme over them all. He had no notion of being told that one part of the people were to be kept within the authority of the law, and another not, because the former did not happen to belong to a certain sect of religionists. With these opinions and these sentiments he should give his vote for the resolutions of the hon. Member for Middlesex (with the exception of the fifth and sixth); because he thought, after the disclosures made before the Committee of the House, some notice ought to be taken of the proceedings of these societies—proceedings fraught with such danger to the peace of the country, as Parliament could not, and ought not, in duty to that country, to connive at.

Mr. *Shaw* contended, that the last resolution to which the noble Lord had just adverted, referring to his Royal Highness the Duke of Cumberland, could not be passed in its present form; for while it was literally true, it was substantially untrue. The resolution affirmed "that his Royal Highness had signed warrants, as Grand Master of the Orange Lodge, which warrants had been issued for constituting Orange Lodges in the army." Now that was the truth, but it was not the whole truth, and on the contrary it implied that which was absolutely untrue, for what was the real fact?—that his Royal Highness had signed warrants, but they were blank warrants, and these warrants had been afterwards issued for constituting Orange Lodges in the army; but then that was certainly without the knowledge of the illustrious Duke. The noble Lord (John Russell) admitted that such was his own opinion, and was it possible that the noble Lord, a minister of the Crown, could, forced on by, and to gratify, the majority that were cheering behind him, consent to convey a covert insinuation, contrary to the truth and the noble Lord's own declared opinion, against a member of the Royal Family? Not that he claimed any other privilege for his Royal Highness on that account beyond what he himself or any other gentleman was entitled to, namely, to be believed upon his word. The noble Lord accused the inferior officers of the Orange Institution of treachery and misconduct in issuing these warrants without the knowledge of his Royal Highness. He thought the accusation most unjust; they might have been imprudent, but let the noble Lord and the House bear in mind the distinction on this point between the military and the Orange view of the question. Military men, very properly, as he thought, condemned the existence of Orange Lodges in the army; but Orangemen, as such, approved of their own society, and wished to extend it as far as possible. And further, it did not appear that the local managers of those lodges were aware of the general order of the Horse Guards against military lodges. Another distinction that must not be forgotten was, between a military man being an Orangeman and a military Orange Lodge, for he (Mr. Shaw) was as willing as any man to admit that when the Duke of Cumberland, as a Field Marshal, thought it right to be an Orangeman, his Royal Highness could not censure the same conduct in the humblest soldier when done in his private capacity. The noble Lord, indeed, thought that the Duke of Cumberland should entirely withdraw himself from the Orange Institution, but his Royal Highness thought otherwise, and all he would say in that respect was, that the Duke of Cumberland had the same right to exercise his independent opinion, as the noble Lord or any other Member of that House, and that His Royal Highness had not thought fit to abandon that institution. On the merits of Orange Societies, he at that late hour, would make but one observation, in answer to what had fallen from the noble Lord, as to what the noble Lord termed similar associations. He was not an Orangeman; he had never belonged to any political society; but he must say that it was most unjust, unfair, and ungrateful of a British minister, to class together Orange and Riband Associations, as if they were of a similar character. It might be thought that the Orange Institution was inexpedient or unwise, that its tendencies were on the whole injurious to society; but, in common justice, it never should be forgotten that, at all events, its objects were good, its nature defensive, its conduct open and unreserved, its members ardently attached to British connexion and the British constitution, and ever ready to come forward, as many honourable friends of his had in that House, openly to avow and to justify their connexion with it, while, on the other hand, the Riband society was admittedly a secret and illegal body associated for offensive and wicked purposes, against the law, the Government, and all British connexion — skulking in secrecy, denying its own existence, while the fact was notorious, and none of its members daring to come forward in the face of day to declare that they were Ribandmen. He hoped the noble Lord would alter the wording of the resolution.

Lord *John Russell* stated, that he did not wish to agree to the resolution, stating that his Royal Highness, in contravention of an order issued from the Horse Guards, had signed warrants as Grand Master of the Orange Lodges of Ireland, which warrants were issued for constituting Orange Lodges in the army. Now, what he wished was, that the hon. Member for Middlesex would consent to omit the latter words—namely, "which warrants were issued for constituting Orange Lodges in the army." He considered that the omission of those words would meet the wishes of the right hon. Gentleman opposite.

Mr. *Shaw* said, all he desired was, that if allusion was made in the resolution to the Duke of Cumberland at all, that the simple truth should be stated, which was, that his Royal Highness had signed blank warrants, and that they were afterwards issued without his knowledge. He did not think the noble Lord's Amendment would put the fact fairly or candidly; and he would move the insertion of the word "blank" before "warrants."

Lord *John Russell* imagined they could only state what appeared on their minutes; and he repeated, that he did not wish to convey any insinuation of the kind alluded to by the hon. and learned Gentleman opposite. With regard to another point, his Royal Highness denied in his letter that he had issued warrants or countenanced the issuing of warrants, to regiments in his Majesty's service; and he went on to say "When such a proposal was made to me I instantly declined it, saying, that it was contrary to the regulations and orders issued from the Horse Guards." Now, he must say, that his Royal Highness having once declined on these grounds to issue warrants to regiments, every one belonging to the Society, and who had the preparing of the warrants, should have been particularly careful that they were not issued to regiments.

Dr. *Nicholl* rose amidst general cries of "Question!" We understood him to say that he would withdraw his Motion for the previous question, on the first four Resolutions, and move it only on the 5th and 6th. [" *They are withdrawn.*"] Then he would not himself press his latter Amendment to a division, but merely suggest that the hon. Member should add words which would have the effect of extending the inquiry to all lodges or societies in the army of an exclusive nature. The hon. and learned Member for Dublin would have no objection to that. He had moved the previous question not because he approved of Orange Societies at all, but because he believed that the inquiry before the Committee was not complete—that the charge had been gone into, and no defence had been heard; and entertaining a strong opinion against Orange Societies, he was anxious that the whole of the evidence should be received, in order that those gentlemen who did belong to such Societies might be made to feel that they were put down after the most careful consideration, and not by mere clamour. With respect to the conduct of the individuals who had issued the warrants, he perhaps entertained as decided an opinion as did hon. Gentlemen who expressed themselves in stronger terms.

Sir *Charles D'Albiac* concurred most fully in every thing that had been advanced or could be advanced on the impropriety of establishing Orange Lodges in the army. Nothwithstanding the situation which he held in the army, he had not the slightest idea of the existence of Orange Lodges in it. In his opinion they had not existed in the army since 1820.

Sir *Ronald Fergusson* said, it was evident that where Orange Lodges did exist in the army, they had been established in the most cunning manner. The hon. and gallant Member, who inspected the cavalry, was about the last person to whom any information on the subject was likely to make its way.

Mr. *Hume* said, in reply, that the hon. and gallant Gentleman opposite expressed his belief, that since the year 1820 there were no Orange Lodges in the army. But what was to be found in the evidence? There was an Orange Lodge in March last in the 15th Hussars—a cavalry regiment. As to the Duke of Cumberland's knowledge of the fact, why, if his Royal Highness had called for the list of his own lodge, he would have found upon it the names of from forty to fifty individuals who belonged to the army. With this fact in evidence, for his Royal Highness to have written such a letter, appeared to him to be an insult to the House. It had been suggested to him not to pass a censure on his Royal Highness; but he must say that this Resolution, according to his view of the case, was not half so strong or decided as they ought to make it. It merely stated a fact. Did his Royal Highness deny that he signed the warrants, and that they were issued to marching regiments; did he deny that? [Mr. *Shaw:* that is special pleading.] It was a downright fact. Here were warrants issued to constitute Orange Lodges in the Army, and no one was to be responsible for the act. Who was the party? He must join in the expression of surprise which fell from the noble Lord, at his Royal Highness continuing a day longer connected with an association, after he had discovered what had been done. Unless his Royal Highness withdrew from the Society, he could not believe him sincere in his reprobation of the proceedings. He should say, let his withdrawal be the test of his sincerity. Taking all the circumstances into consideration, he could not think it possible for his Royal Highness to be altogether ignorant of the fact that warrants were issued to the army. He agreed with his hon. and learned Friend in his quotation, which he thus translated:—" Let those believe it who could, he could not." In order to insure unanimity, he would consent to withdraw the two resolutions which had been referred to.

The Resolutions to the ninth were agreed to, on which the words implicating the Duke of Cumberland were proposed to be amended by the addition of the word "blank" making blank warrants.

The House divided on the original Question. Ayes 183; Noes 40; Majority 143.

List of the Ayes.

Adam, Admiral
Aglionby, H. A.
Alston, R.
Attwood, T.
Barnard, E. G.
Barry, G. S.
Baldwin, Dr.
Baring, F.
Bernal, R.
Bellew, Sir P.
Bellew, R. M.
Blake, M. S.
Bentinck, Lord Geo.
Bodkin, J.
Bowring, Dr.
Blamire, W.

Brabazon, Sir W.
Browne, D.
Brady, D. C.
Brodie, W.
Bridgman, H.
Brotherton, J.
Biddulph, Robert
Bish, T.
Buckingham, J. S.
Burton, H.
Buller, E.
Burdon, W.
Brocklehurst, J.
Byng, Hon. George
Callaghan, D.
Campbell Sir J.
Carter, J. B.
Cave, O. R.
Cavendish, Charles
Chalmers, P.
Chetwynd, Captain
Colborn, R.
Collier, R.
Conyngham, Lord A.
Cowper, Hon W.
Codrington Sir E.
Crawford, W.
Crawford, W. S.
Curteis, H, B.
Dalmeny, Lord
Denison, W.
D'Eyncourt, Rt. Hn. C.
Dillwyn, L. W.
Divett, E
Donkin, Sir R.
Duncombe, T. S.
Dunlop, J.
Dykes, F. L.
Ebrington, Viscount
Elphinstone, Howard
Etwall, R.
Evans, G.
Ewart, W.
Fergusson, Sir R.
Fergusson, Rt. Hn. C.
Fitzgibbon, Hon. R.
Fitzroy, Lord C.
Finn, W. T.
Fielden, John
French, F.
Gordon, R.
Grattan, H.
Grattan, J.
Grey, Sir G.
Grosvenor, Lord R.
Grote, G.
Handley, H.
Hay, Colonel L.
Hawkins, J. H.
Hawes, B.
Hector, J. C.
Heneage, Edward
Hindley, C.
Howard, P.
Hodges, T. L.
Holland, E.
Howick, Lord
Howard, R.
Hobhouse, Sir J. C.
Hutt, William
Hume, J.
Jephson, C. D. O.
Kemp, T. R.
Labouchere, H.
Leader, J. T.
Lefevre, C. S.
Lennox, Lord A.
Lennox, Lord G.
Lemon, Sir C.
Lushington, C.
Lynch, A. H.
Maher, J.
Macnamara, J.
Mangles, J.
Martin, J.
Mackenzie, J. A. S.
Marjoribanks, S.
Macleod, R.
Maule, Hon. Fox
Morpeth, Lord
Moreton, Hon. A.
Murray, Rt. Hon. A.
Noel, Sir G. Bart.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, M.
O'Connell, M. J.
O'Connor, Don
O'Ferrall, R. M.
O'Loghlen, M.
Ord, W. H.
Palmerston, Lord
Parker, J.
Parnell, Sir H.
Palmer, General C.
Pattison, J.
Pease, J.
Perrin, Serjeant
Pendarves, E. W.
Pechell, Captain R.
Philips, C. M.
Potter, R.
Poulter, J. S.
Ponsonby, Hon. W.
Power, J.
Power, P.
Price, Sir Robert
Pryse, P.
Pryme, G.
Raphael, A.
Rice, Right Hon. T. S.
Robinson, G. R.
Roche, D.
Roche, W.
Rolfe, Sir R.
Ronayne, D.
Russell, Lord
Russell, Lord John
Ruthven, E.
Scholefield, J.
Scrope, G. P.
Seymour, Lord
Sheil, R. L.
Smith, V.
Smith, B.
Stanley, E. J.
Steuart, R.
Stuart, Lord J.
Sullivan, R.
Strutt, Ed.
Talbot, J. H.
Tancred, H. W.
Thomson, Rt. Hon. C.
Thompson, Colonel
Thornely, T.
Townly, R. G.
Tracy, H. C.
Troubridge, Sir T.
Tulke, C. A.
Tynte, C. J. K.
Verney, Sir H., Bart.
Vigors, N.
Villiers, C. P.
Walker, C. A.
Walker, R.
Wallace, R.
Wakley, Thomas
Warburton, H.
Ward, H. G.
Westenra, Hon. H. R.
Westenra, Hon. Col. J. C.
Williams, W. A.
Williams, W.
Wilson, H.
Wood, Alderman
Wood, C.
Wilbraham, George
Wrightson, W. B.
Wyse, T.

PAIRED OFF FOR.

Acheson, Lord
Bulwer, H. L.
Chapman, M. L.
Clements, Lord
Dobbin, L.
Fitzsimon, C.
Hall, Benjamin
Mullins, F. W.
Nagle, Sir R. Bart.
Robarts, A. W.

List of the NOES.

Alsager, Captain
Archdall, M.
Buller, Sir J. Y.
Burrell, Sir C.
Cole, Hon. A. H.
Corry, Hon. H.
Dalbiac, Sir C.
Elley, Sir J.
Finch, G.
Gladstone, W. E.
Goulburn, Rt. Hn. H.
Grimstone, Hon. E.
Hamilton, Lord C.
Hill, Lord, A.
Inglis, Sir R. H.
Jones, Captain
Lefroy, Rt. Hon. T.
Lefroy, A.
Lewis, W.
Lincoln, Earl of
Longfield, R.
Manners, Lord R.
Maxwell, H.
Meynell, Captain
Nicholl, Dr.
Parker, M. E.
Plunket, Hon. R. H.
Praed, W. M.
Price, S. G.
Pringle, A.
Scarlett, Hon. R.
Sibthorpe, Colonel
Thomas, Colonel
Trench, Sir F.
Trevor, Hon. G.
Twiss, H.
Vere, Lieut. Colonel
Verner, Colonel
Vesey, Hon. T.
Worcester, Marq. of
Young, J.

TELLERS.

Ross, C.
Perceval, Colonel

HOUSE OF LORDS,

Wednesday, August 12, 1835.

MINUTES.] Petitions presented. By the Duke of PORTLAND, from the Bengal Chamber of Commerce, for an Equalization of the Duties on East and West-India Produce.—By Lord TEMPLEMORE, from Taghmon, against Tithes.—By Lord WHARNCLIFFE, from Halifax, against Allowing Beer to be drunk on the Premises of Beer Shops.—By the Dukes of RUTLAND and WELLINGTON, Marquesses of SALISBURY and BRISTOL, Earl DE GREY, Lords KENYON, LYNDHURST, and ELLENBOROUGH, and the Bishop of LICHFIELD and COVENTRY, from a great Number of Places,—against;—and by the Duke of GRAFTON, Marquesses of LANSDOWNE and WESTMINSTER, Earl RADNOR, Viscount MELBOURNE, and Lords DUNCANNON and BROUGHAM, from a number of Places, in favour of, the Municipal Corporations' Bill.

Administration of Justice (Ireland).] The Earl of *Wicklow,* pursuant to the notice which he had given yesterday, rose to call the attention of the House for a few minutes to a circumstance of some importance with respect to the administration of justice in Ireland. He had yesterday stated that he would defer this matter till he saw the noble Viscount (Duncannon) in his place; and as the noble Viscount was now present, he should wish to make a short statement of the circumstances to which he had referred. This subject had before been brought under their Lordships' consideration by a noble Friend of his. On that occasion the noble Viscount was reported to have said that the royal prerogative of mercy had been most judiciously and properly exercised, inasmuch as the persons convicted had been all equally guilty, and that an equal punishment ought to be awarded to all of them. If that statement was correct there was no doubt that the individual who felt himself aggrieved, he meant the judicial functionary who had tried these men, the learned, impartial, and respectable Judge, would have been guilty of a case of gross partiality, for nothing could be more true than that if these parties ought to have been equally sentenced, the Judge who had tried them had acted a most improper part. He should, however, make a statement of the case to their Lordships, which he hoped would show that the opinion of the noble Viscount had been expressed on a most erroneous statement of the case itself. This quarrel, like most of those which took place in Ireland, arose between persons of different religions. These parties who were engaged in the dispute sent up cross bills of indictment to the grand jury. The case was referred, by the mutual consent of all parties, to one jury. That jury, therefore, had an opportunity of cross-examining the witnesses, and of examining all the parties as witnesses. The learned Judge, feeling that it was a case in which the credibility of the witnesses was alone concerned, did not give an opinion upon it, but left the whole matter to the jury—they gave an impartial and attentive consideration to the whole case, and by the questions and the inquiries which they had instituted, they formed impartially the determination to which they had arrived. The jury returned a verdict of an aggravated assault under a special statute against the Roman Catholic party, and found the Protestant party guilty of a simple assault. On this occasion the amount of injury suffered by the two parties was different; the Roman Catholic party did not appear to have suffered material injury, but the surgeon stated that on the part of the Protestants he found one man to have received fourteen severe wounds inflicted by a triangular instrument, and another party to have received seven wounds, to have had his lip cut through, and one of his teeth knocked out. If, as appeared from this verdict, one of these parties was guilty of an aggravated assault under the statute, and that the other was only guilty of a common assault, he wished to know whether any judge would have acted impartially in inflicting the same punishment upon both? If the case had been the reverse of what it was—if the Roman Catholic party had only been convicted of the common assault, and if the Protestant party had been convicted of the aggravated assault under the statute, and if then the same punishment had been awarded to all, he asked whether they should not have heard from the noble Viscount, or from those who supported him, a declaration that the judge had been guilty of gross impartiality in awarding such a sentence? He was gratified in asserting that under the verdict found by the jury it was impossible for the learned Judge to award to the parties an equal degree of punishment. Shortly after the trial a memorial had been sent to his noble Friend, then the Lord-Lieutenant of Ireland, to which he gave his most serious attention; but in doing o he proceeded according to the established rules in such cases, and he determined not to exercise the Royal prerogative of mercy without referring to the Judge who tried the case; and the result of that reference was, that he determined that the law should take its course. Shortly afterwards the noble Earl was removed from the Government of Ireland, and the present Lord Lieutenant was appointed. A similar petition and memorial were then presented to that noble Earl. Did he pursue the same course—that course which had before invariably been practised in that country? No; on the representations of the parties themselves he sent money to the individual as a recompence for what he had suffered, and he gave an order that the longer sentences should expire at the same time with those of the other party. He asserted that such conduct was contrary to every principle of justice. The noble Earl had not thought it necessary to refer to the learned Judge; the precedent was contrary to the usual course of proceeding, and by remitting the punishment it cast an imputation on the learned Judge who had inflicted it. This was a most unjust mode of proceeding. Without meaning to interfere with this sacred right of the prerogative of the Crown in the exercise of mercy, he must say that it ought only to be exercised under the advice of judicial counsel. It had been stated that the alteration of the punishment was on the unanimous recommendation of the jury who had tried the case. He begged leave for a moment to call attention to the proceedings of the jury, in consequence of this representation. At the close of the assizes at Londonderry eight of the jury attended the criminal court before Mr. Baron Pennefather, and Robert Mills, the foreman of the jury, addressed him, and denied the representation that had been made, adding that the four other jurymen were in the country, but that the eight then present denied the statement, as they were not capable of stultifying themselves in the manner represented. This was one contradiction of the statement which had been given to the noble Viscount. It was true that the jury had themselves requested that the punishment of one of the offenders should be not more than two months, in consequence of the severe wounds he had received; but that had been done at the time of the trial, and had nothing to do with the statement of the noble Viscount. In thus trespassing on their Lordships' time, his wish was to exculpate the learned Judge from the imputations which had been cast upon him, and to call the attention of the Government to the mode in which justice was administered in Ireland. If such a course as that which he had described was not checked, evils would follow far exceeding any that their Lordships could anticipate. Whatever hitherto might have been the imputations on the administration of justice in Ireland, as respected the juries, as yet the breath of calumny had never dared to whisper the slightest imputation on the Judges; the Judges, at least, were as yet untainted in the minds of the people, and were looked upon with universal reverence and respect. But if this new system of government were to be permitted—if the Lord-Lieutenant were to supersede the judgments of the Judges—a state of turbulence and disaffection would arise, of which their Lordships had no conception. It was the more imperative that their Lordships should direct their attention to these matters now, from the peculiar state of the Government of Ireland. It had hitherto been the rule, that if they had a young Lord-Lieutenant, they should have a man of experience for the Irish Secretary; or if they had a young Irish Secretary, that they should have a man of experience for the Lord-Lieutenant; but now both these important officers were young men without experience. He must guard himself, in saying this, from being thought to wish to cast any aspersion on the Lord-Lieutenant. He believed the noble Earl to have acted most injudiciously; and it was necessary to point out the impropriety of his conduct in that respect; but he had a personal respect for that individual, and wished to co-operate with him as far as it was possible in the good government of Ireland. He lamented what he had recently heard as to the feeling of the gentry of Ireland with respect to that individual; he lamented that they, in his late progress through Ireland, should have neglected and slighted him. He thought that they acted injudiciously and unwisely in this respect, and that they ought to remember, however they might differ in politics from that individual, that he was the representative of the Sovereign, and, as such, that they should treat him with due respect. He could not refrain from making these last observations as to the conduct of the gentry towards the Lord-Lieutenant, because he thought it to be in direct opposition to the course which they ought to have pursued. He trusted that he had succeeded in clearing the learned Judge from the imputation which the answer of the noble Viscount had cast upon him.

Viscount *Duncannon* desired at once to clear himself from the mistaken supposition that he had ever cast any imputation on the learned Judge. He had not stated what was supposed by the noble Earl. He had stated that as the learned Judge had used his discretion, he had no doubt that the Lord-Lieutenant had done the same; and he might add, that from all the facts which had come under his observation, he believed the Lord-Lieutenant to be right. The course taken by him was not quite unprecedented, for the Lords-Lieutenant of Ireland had frequently adopted such a course, without making any previous application to the Judges. In December last an application was made on this case to the then Lord-Lieutenant, who submitted the matter to the Judge before whom the case was tried. The learned Judge stated, that he could make no alteration in the sentences. On the arrival of the present Lord-Lieutenant a memorial was presented to him, and he then requested that unless there were new circumstances in the case, that such an application might not be made to him. Although the late Lord-Lieutenant had come to the determination not to alter the sentences, yet new circumstances having been stated, the present Lord-Lieutenant had been induced to relieve the prisoners from further suffering the sentence of the Court. With respect to the statement as to the recommendation of the jury, he believed it would be found to be perfectly true that a memorial, signed by all the jury, had been forwarded to the Lord-Lieutenant. There had been also a memorial, signed by the Mayor of Derry, and by thirty-one respectable resident merchants, in favour of the prisoners. That memorial was placed with the other papers in the hands of the Lord-Lieutenant, and upon them he had given directions for the release of the prisoners. He thought that he need not go into any further statement on this subject. He submitted that if a memorial was signed by the jury, and if that recommendation was fortified by another, signed by the Mayor of the town, and by a number of respectable inhabitants, the Lord-Lieutenant was perfectly justified in exercising his discretion, and relieving these persons from further imprisonment. It should be recollected that three months of their term of imprisonment had already expired. In the memorial of the jury it was stated, that as the term for the imprisonment of the Protestants had elapsed, they recommended the Lord-Lieutenant to relieve the other prisoners from the remaining portion of their larger term of imprisonment. He was not aware of there being any other circumstances in the case; but if any noble Lord desired further information he would endeavour to supply it.

Lord *Lyndhurst* said, that in this country after a learned Judge, upon reference to him, had stated that he could not alter a sentence, the Secretary of State in no instance whatever thought it right, without the best possible information, to do so; and in order to obtain the best possible information he applied to the Judge, who stated the circumstances of the case, and who furnished him with a copy of the evidence, and of the reasons why he had pronounced the judgment. That appeared to be the right and proper course. As the Judge heard the evidence he had the best opportunity, from seeing and hearing the witnesses, to form a correct opinion of what should be his decision, and that decision ought not to be reversed unless the Government took the best possible means to obtain correct information on the subject. It appeared to him, according to the statement made by the noble Viscount, that the course pursued in Ireland was very incorrect; for it appeared that the Secretary of State or the Lord-Lieutenant had, without communicating with the Judge, been in the habit, in repeated instances, of altering sentences without first fully making themselves acquainted with the circumstances under which such sentences were given. Without knowing anything of the merits of this particular case he had thought it right to state what was the practice in England—that practice appeared to him to be correct, and if any other were adopted in Ireland, he thought that the sooner it was altered and made conformable to the English practice the better.

Lord *Farnham* said, that it was a mistake to suppose that the practice was different in Ireland and England. He had never heard of any one who in the administration of justice had given more univeral satisfaction than a noble Marquess who for some years was Lord-Lieutenant there (the Marquess Wellesley); and it had always been his practice to examine the documents submitted to him, and to consult the Judge who had tried the case. He had always much admired that part of the noble Marquess' conduct. During the whole time of the Marquess Wellesley's government, he did not know one case in which the most fastidious person could find fault with the administration of justice. He should like to see a copy of the memorial addressed to the Lord-Lieutenant in the present instance, for there appeared to be a great discrepancy in matter of fact as to that memorial. He had three cases of a similar nature to bring under the attention of the House. He had given the papers in them to the noble Viscount, and should mention them again when the noble Viscount had obtained information on them.

Lord *Plunkett* said, he was totally ignorant of the circumstances that had taken place at the trial, or of what had occurred afterwards, but he would bear his humble testimony to the high character of the learned Judge, whose impartiality was said to be impugned by the conduct which he pursued on the occasion to which this discussion bore reference. He had known that learned Judge for a great number of years, and though he might not concur with that learned person in his political views, still it was but just and proper for him to declare that that learned person, in his judgments, either with reference to that now particularly under consideration, or to any other, never, he was convinced, suffered his political sentiments to interfere with his judicial duties. He was happy to concur in this testimony to the honesty and impartiality of the learned Judge with the noble Earl who first introduced the subject. He believed that the noble Baron was quite correct in stating that the ordinary course in this country and in Ireland, with respect to the remission of a judicial sentence, was precisely the same. He would, however, call their Lordships' attention to the particular situation in which his noble Friend (the present Lord Lieutenant) was placed on this occasion, and then they could judge how far the general course of proceeding was applicable in this instance. If he were rightly informed, after the trial had occurred in this case, and after sentence had been pronounced according to the different degrees of guilt of the different parties, a memorial was presented, and on that memorial a report was made. That report was laid before the Earl of Haddington, and on that he acted. Now this was not a question of law—it was a question of discretion. It involved a measure of punishment commensurate with the degree of guilt. All the parties were guilty, but the exact degree of guilt depended on circumstances. With the report of the learned Judge before him, the Earl of Haddington did not deem it necessary to alter the sentence. Now this same report, which was in the Secondaries'-office, must have been seen by the Earl of Mulgrave; and such having been the case, he could not say that it was absolutely necessary that a fresh reference, when another memorial was presented, should be made to the Judge who tried the case. If such a reference had been made, the report would have been the same. Now the Lord Lieutenant, on looking over that report, might have thought that the scale of guilt was not so exactly and so naturally laid down as not to allow of a certain degree of change in the amount of punishment. If the Lord Lieutenant, acting on this principle, (and it should be observed that there was no question of law in the case), conceived that it was not necessary to inflict the whole of the punishment originally awarded, he did conceive that that noble person could not be fairly accused of having misapplied the prerogative of the Crown, or that it could be justly said that he, in remitting a certain portion of punishment, cast the slightest reflection on the learned Judge who had tried the case.

Lord *Fitzgerald and Vesey* said, that it was quite unusual in cases of this kind for the Executive Power to come to a decision directly opposite to that of the Judge before whom a case had been tried. The noble Viscount had said, that instances of a similar kind were not unprecedented; but connected as he was with Ireland, he would distinctly state that he never before had heard of any such case of interference. He was happy to hear the panegyric justly pronounced by the noble and learned Lord on the learned Judge who had been that night referred to. Before the noble and learned Lord rose, he was himself about to invoke the noble and learned Lord's testimony in favour of that most excellent individual, of whom he would say that a man more impartial, or less influenced by political bias in the discharge of his duties never existed. The noble Lord, as a proof of the impartial feeling of the learned Judge, instanced a case of some consequence in which he had sentenced two Protestants who had been guilty of riotous conduct, not to three months, not to six months, but to twelve months imprisonment. Yet this was the Judge upon whom the Government, by their interference, though they might not have intended it, had fixed the charge of partiality.

Lord *Hatherton* said, that the memorials and other papers had been forwarded to the Lord Lieutenant, and he could state that he was not aware in practice of any case in which the Lord Lieutenant had expressed any opinion upon any case without first seeing the memorials. His noble Friend opposite, the late Lord Lieutenant of Ireland, could confirm him in this statement as to the practice in such cases.

Lord *Brougham* observed, that this was a very important matter, and ought to be approached with the highest degree of delicacy. He quite agreed with the noble and learned Lord opposite (Lord Lyndhurst) that the prerogative ought never to be exercised by the Executive Government without an appeal being first made to the learned Judge who tried the party or parties on whose behalf an appeal was made to the mercy of the Crown. The learned Judge was the person to give an opinion upon the case in the first instance; he was the individual from whom the soundest advice upon the subject could be procured. But his (Lord Brougham's) opinion was equally clear, that the Crown was in no way bound by the opinion of the learned Judge. That would be a monstrous proposition, as tenable as that the Crown ought to be bound by the opinion of the jury. If that principle was to prevail, he (Lord Brougham) was liable to impeachment over and over again for having advised the Crown to make an extension of mercy to parties in whose favour the Judge had said the cases were not proper for mercy. He did not know any thing of the facts of the case, but it appeared to him from what had been stated by his noble Friend the Lord Privy Seal, that there had been an application to the learned Judge, who returned an answer by letter to the Lord-lieutenant. If that answer did not satisfy the Lord-lieutenant, he had the right to act accordingly.

Lord *Fitzgerald and Vesey* said, he wished to correct an impression which prevailed, that the Jury had joined in a memorial in favour of the parties in question. Such was not the case, and he begged to state that the Jury had gone into the public court-house of their county before the Judge of Assize, and there publicly denied that they had given in any recommendation to mercy, and that any memorial or paper bearing their names which had been forwarded to the Government had not been signed by them.

Lord *Plunkett* said, that nothing was in practice more common than the exercise of the undoubted prerogative of the Crown in contradiction to the opinion of the Judges before whom the parties had been tried and convicted. He remembered an instance of this which occurred to himself when he had the honour to preside in a court of common law. During that period he had sat with his learned and respected Friend, since deceased, Mr. Justice Vandeleur, and before them an individual was tried and convicted of an aggravated case of manslaughter. In the exercise of their discretion they had sentenced him to a long imprisonment, and on an application being made to them for a revision of the sentence, and on mature consideration of the case, Mr. Justice Vandeleur and himself concurred in the opinion against any alteration or remission. This occurred at the period his noble Friend the Marquess of Anglesey presided over the Government of Ireland, and, notwithstanding the opinions of himself and his late hon. and learned colleague, the noble Marquess in his discretion remitted the sentence. He could not without impeaching his own opinion say the prerogative was wisely exercised; but of this he was sure, that it was constitutionally exercised.

The Earl of *Wicklow* undertook to assert that no such memorial as that which had been adverted to, had ever been forwarded by the jury. If there were any such document in existence, the noble Viscount could easily contradict his statement, by laying it on the Table of the House. If the present Lord-Lieutenant had seen the documents, and had made use of the papers between his predecessor and the learned judge, he (the Earl of Wicklow) was quite persuaded that he never could have said that the remission of the sentence was founded upon the fact, that both parties were equally liable to punishment. This was not the fact. He asserted, therefore, that this exercise of the Royal prerogative had taken place without any reference to the Judges' opinion, and without any memorial from the jury to the Lord-Lieutenant.

CORPORATION REFORM—PETITIONS.] Lord *Brougham*: My Lords, I have a Petition to present, from the town of Marsden, in favour of the Corporation Reform Bill. I have a similar petition from the great district—the great metropolitan borough of Lambeth—agreed upon, I understand, at one of the most numerous, most respectable, and most unanimous meetings ever held in that district. It is signed by 2,260 persons, and received these signatures in the course of a very few hours. It would have been signed by a great many more persons, but the petitioners considered that the number who attended the meeting precluded the necessity of waiting for that purpose. I have also to present two petitions from the town of Leicester, agreed upon at a public meeting, and signed in the course of ten or twelve hours by no less than 9,500 persons; clearly showing the strong feeling which exists in that district of the country, and completely contradicting the evidence of some of the witnesses who seemed to infer that it was not, and is not, very much called for, except by a factious rabble. I, my Lords, do not quite go along with the petitioners in some of the expressions they use, which certainly are rather strong. The petitioners state that the Municipal Corporations' Bill was passed in the other House of Parliament almost without opposition, and that your Lordships' determination to hear counsel at the Bar upon it, seems to imply that your Lordships' are unable as legislators, to cope with such a subject, and thus to have a tendency "to lower and degrade your right honourable House yet more in the estimation of the people."—[*Cries of "Order, order," and great confusion.*]

The Duke of *Newcastle:* My Lords, I think the noble and learned Lord has read quite enough of that petition.

Lord *Brougham:* I differ from your Grace on that subject, for I mean to read the whole of it. I did not mean to have read it, inasmuch as I feel considerable respect and veneration for your Lordships' House; but I shall read it all now. Your Lordships owe it entirely to his Grace. Save us from our friends! say you; but as the noble Duke has interrupted me, I shall beg to read the petition at length, even at the risk of its preventing me from taking part in the debate of the night. The petitioners state, "That it is with feelings of the deepest regret that your petitioners mark the proceedings of your right hon. House respecting the Municipal Corporation Reform Bill—a Bill introduced into Parliament by his Majesty's Ministers, and which has passed the Commons House of Parliament, almost without opposition. They cannot consider the determination of your right hon. House to hear counsel against the principle of the Bill, involving as it does a great and extensive legislative measure, otherwise than as a confession of the inability of your right hon. House, as legislators, to cope with such a subject without foreign aid, and thus to lower and degrade your right hon. House yet more in the estimation of the people. That the insulting and abusive language reported to have been used by counsel respecting the people, at the Bar of your Lordships' House, not only unrestrained, but apparently with the approbation of certain noble Lords, excites in the minds of your petitioners"—you see the difficulty of stopping me in this—no, I had rather not go on without just explaining how much more satisfactory it is for me to read the petition, and how anxious I am to satisfy the noble Duke. You may think you see that what I have read is wrong, but you cannot tell that what I am going to read is not perfectly right.

The Earl of *Wicklow:* My Lords—[*Cries of "Order!"*]—my Lords, I beg to say that as soon as the noble and learned Lord has read that petition, I shall move that it be rejected—["*Order!*"]

Lord *Brougham:* Really, my Lords, this is by much the most irregular thing I ever saw even in this place, which, of all the irregular places I ever saw, is by far the most irregular. The noble Earl sees the folly of interrupting me. I forget where I am now, and am half afraid I shall have to begin again. Oh, here it is—"the approbation of certain noble Lords excites in the minds of your petitioners feelings of indignation and disgust, still further increased by the reception of the *ex-parte* evidence of the very men who are most intimately mixed up with all those corporate transactions of which the people so justly complain, and who notoriously profit by the abuses which they uphold. That it is the opinion of your petitioners, in opposition to the representations which have been made to your right hon. House, that the conduct of the Commissioners of Corporate Inquiry in this town (Leicester)—Mr. Whitcombe, and Mr. Cockburn—in the discharge of their important duties, was exemplary in every particular; that it was marked by gentlemanlike demeanor, calmness of deportment, and a readiness to receive evidence from all persons; and that the Report they have furnished respecting this Corporation, is, in the judgment of your petitioners, correct in all essentials, and as accurate as possible in so wide a field of inquiry, and amidst such a conflicting mass of evidence. Your petitioners also beg, to assure your right hon. House that, contrary to the evidence given at your Bar, the conduct of the inhabitants of this town during the course of the examination at the Castle, was orderly and decorous; and that whatever excitement existed in the minds of the spectators, was kept within decent bounds. Your petitioners therefore beg, in the fullest manner, to confirm the statements made by the Commissioners with respect to the conduct of the people. They assert that the representations put forth to the contrary are false and calumnious, and that nothing can be further from the truth than that any individual could be deterred from giving evidence by feelings of intimidation or personal fear.

In imploring your right hon. House to pass this Bill, your petitioners think that they ask a measure only of common justice; they seek not spoliation, as has been calumniously said, but restoration. They require, that property, which for so many hundred years was applied strictly to public purposes, should so be applied again. They demand, and justly demand, that an unlimited and irresponsible power of taxing and spending, such as even the Parliament of the United Kingdom does not claim, shall not be confided to persons in whom your petitioners have no trust, no confidence whatever; and that justice, impartial justice, the first and most important attribute of all the attributes of Government, should be placed within the reach of every individual. That to acquire this just, this holy object, the inhabitants of this town will never cease to exert every lawful means in their power, and that they will never admit, that the assumed privileges of a few individuals ought to stand in the way of the just rights, of the contentment, of the prosperity and happiness, of a great and intelligent people. Your petitioners, therefore, implore your right hon. House to dismiss from your minds all those unfavourable impressions against the people of this town, which may have arisen from the representations of their inveterate enemies at the Bar of your right hon. House; and that your Lordships will forthwith pass the Bill in such integrity as to give satisfaction to the people of these realms." This, my Lords, as I have already said, is the petition of the town of Leicester, signed within a few hours, by 9,500 inhabitants of that great town. I do not perceive, my Lords, that the word "Humble" is used by these petitioners, nor does it set out with the usual form of "Humbly showeth." But whether your Lordships may not be disposed to consider that the word "Imploring"—which is at least a very effective word, and one expressive of humility—is a sufficient compliance with what we know to be one of the standing orders of the House, is more than I, unexperienced as I am in the forms of your Lordships' House, can take upon myself to say. His Lordship moved that the petition be received.

The Duke of *Newcastle* regretted having interrupted the noble and learned Lord, because he should be sorry to deprive him of any opportunity of showing an insult to that House. For the noble and learned Lord to indulge in this kind of sneer, and invective, and unbecoming sarcasm, was, he really thought, beneath him, and excessively insulting to the dignity of their Lordships' House. He repeated, it was very insulting for the noble and learned Lord to use the language with which he attempted to flagellate that House. It was nothing less than pandering to the very coarsest passions and worst feelings of the lowest class of the community.

Lord *Brougham:* Really, my Lords, I am not aware that I have used any one expression affecting your Lordships' House —except, indeed, stating my respect and veneration for it. I am not aware, I say again, my Lords, of any one word I have used which can be objected to by any one Member of this House. But the noble Duke objects to my reading the petition, as if I were taking an opportunity of offering disrespect to your Lordships. Why if I wished to cast any disrespect on your Lordships, I should show that disrespect in my own proper person, which the noble Duke, to do him justice, gives me credit for wishing an opportunity to do. I have yet to learn, my Lords, that any Member of Parliament, in the discharge of his duty of presenting the petitions of the people, is at all to blame in bringing any petition forward; it being the right of the subject to petition Parliament—it being the right of your Lordships to reject that petition if you please. Now observe how the case stands—just observe. If I had given in this petition—as I very naturally might have wished to do, for I want to come to the business of the evening—if I had given in this petition, and merely said, "Petition in favour of the Bill, town of Leicester," some noble Lord would have looked at the petition to-night, or to-morrow morning, and then he would have found out that I had presented a petition without notice, containing expressions, I have no hesitation in saying, of a strong nature; and I should have been immediately told that I was bound to make your Lordships aware of the nature of those expressions. Well, then, I say, I was bound to read the petition. [The Earl of *Wicklow*: No.] The noble Lord thinks I was not bound to read it. Well, then, I shall just judge for myself; make up my own mind, act on my own behalf, and read the petition or not read it, as I please, I have a right to make any motion that I please. The motion that I made was, that the petition be received, and any noble Lord can vote for or against that motion as he thinks proper, exercising just the same discretion and freedom that I reserve for myself.

The Earl of *Wicklow*: If it were one of their Lordships rules not to receive disrespectful petitions, they could not receive the present. The noble Lord was bound to read the petition before offering it to their Lordships, and seeing that it contained expressions offensive and insulting to the House, he should have told the petitioners that such an insulting petition would not be received. He begged to move that the petition be rejected.

The Earl of *Falmouth* reminded their Lordships that they were in the habit of protecting, not only their own House but the other House of Parliament, from disrespect. When he himself presented a petition the other day from the borough of Evesham which contained a passage stating that the majority of the other House was composed of Papists and others not in connexion with the Church of England, it was alleged by noble Lords opposite to be offensive to the other House, and he immediately withdrew the petition on these grounds, and on these grounds only. Therefore, on account of the generally disrespectful and insulting language contained in the present petition, he should support his noble Friend's objection to its reception.

Lord *Brougham*: The noble Earl has an undoubted right to move the rejection of, and your Lordships have a perfect right to reject, any petition you please—of the exercise of that right I do not complain. But I say, my Lords, it is to me a most extraordinary position, that a noble Lord, receiving a petition signed by ten or eleven thousand of his fellow-citizens, is to reject that petition at once, because the petitioners choose to blame the conduct of the House of Lords. I am not aware that this House is likely to raise itself in the estimation of its fellow-countrymen by claiming for itself a privilege and a freedom which no human beings have a right to claim—that of being exempt from a free expression of disapprobation. Men may differ as to whether the expression of disapprobation is respectful or disrespectful; and if your Lordships think that this is a disrespectful expression of disapprobation, it is for you to reject the petition.

The Earl of *Wicklow* had moved the rejection of the petition on the ground of its being a highly disrespectful one. He knew that the public had a right to blame their Lordships in a respectful manner, but not in a disrespectful, sneering, and insulting tone.

The Duke of *Wellington* entreated their Lordships not to weigh too nicely the wording of petitions, or the expressions of the petitioners. He was very much disposed to think that no such disrespectful language as the present petition contained was calculated to do their Lordships much injury. He must say, however, that when the attention of the House was drawn in so particular a manner by the noble and learned Lord to those particular expressions, when the noble and learned Lord commented upon them as he had done; when in this particular petition, moreover, there was the omission of a word required to be introduced into all petitions presented to the House, and when the noble and learned Lord was aware of that fact—

Lord *Brougham*: I beg the noble Duke's pardon. I will at once withdraw the petition. The doctrine is a most sound, and a most judicious, and a most sensible one, not only for this House, but for every individual in it to adopt; they should not weigh too nicely the expressions used by petitioners.

The Earl of *Wicklow*: I beg to assure the noble and learned Lord, that if he had not withdrawn the petition, I would certainly have taken the sense of the House.

Lord *Brougham*: And very probably you would have carried it away with you.

The petition was withdrawn.

Lord *Brougham* presented a Petition from Mr. Cockburn, one of the Commissioners, against whom the principal charges of the Counsel at the Bar had been directed. Mr. Whitcombe, his brother Commissioner, was unfortunately dead, but he pledged himself, with their Lordships' permission, to rebut by five or six witnesses at the Bar, the whole of the charges made against him by interested parties. As he had not moved their Lordships to hear the petitioner in the Bristol case, he felt that he could not make an exception in the case of this gentleman, who with his deceased colleague had been so directly attacked, and it was therefore his painful duty to advise their Lordships not to grant the prayer of the petitioner, which was, of course, to be heard at the Bar. The noble and learned Lord then proceeded to state the substance of the petition. The petitioner represented that he had entered upon the charge committed to him with a deep and anxious sense of its responsibility, and that in performing it he had discharged his duty to the best of his humble ability and knowledge, faithfully, fearlessly, and conscientiously; that in conjunction with his deceased colleague he had inquired into the corporations of Coventry and Leicester; that he had perused with extreme astonishment the evidence given with reference to those corporations; and that he and his deceased colleague had extended the same just and impartial spirit to every corporation that had formed the subject of their inquiry, without reference to political principles, in proof of which he referred to the corporations of Nottingham and Derby on the one hand, and Shrewsbury and Tamworth on the other.

The petition was read, and laid on the Table.

The Duke of *Newcastle* then rose to complain of the manner in which these petitions in support of the Bill were got up; and objected to the Government participating in the agitation that was now going on in the country upon the subject. He had a peculiar regard for the noble Viscount at the head of his Majesty's Councils, and he would take leave to suggest to the noble Viscount, seeing as he (the noble Duke) did, the treasonable conspiracy that was carrying on in this country against the Church and State, whether it would not be wise for him to withdraw himself from a Government which might be dragged into that conspiracy, which he believed the noble Viscount and many other members of the Government would wish to avoid. He feared that there were some persons who would drag the Ministers of the Crown into the commission of deeds and acts which they would repent. Connected with all this he saw language in the public papers—what he was going to say was matter of fact—he had seen it stated that in a certain place there had been remarks made calculated to injure, in the greatest degree, the Church and the State; and he had also seen it reported that certain persons had, in another place, endeavoured to vilify Members even of their Lordships' House. He particularly alluded to some most atrocious remarks made last night in a certain place. Those remarks he thought were of such a character as to deserve the most unqualified censure, and marks of displeasure from this House. He alluded to a speech made by a person elsewhere.

Lord *Wharncliffe* rose to order. He really must appeal to his noble Friend, whether it was consistent with the dignity of their proceedings to refer to speeches made in the other House of Parliament; for, after all, disguise it as they might, by the term "another place," all mankind must understand what place was meant. He hoped, therefore, this irregular discussion would not be continued.

The Duke of *Newcastle:* These speeches ought to be checked. [A *Noble Lord* : Checked !] Yes, checked; I certainly will speak my opinion of such speeches, wherever I may be. The noble Duke then proceeded to say that the speech to which he alluded mentioned something about an Illustrious Personage very nearly connected with the Throne. Things were said respecting that Illustrious Personage which [" *Order, order !* "] " If it be the opinion of your Lordships that I ought not to proceed, I will bow to that opinion and sit down" [*the noble Duke resumed his seat.*]

CORPORATION REFORM COMMITTEE. —COMMISSIONERS.] On the motion of Viscount Melbourne, the Order of the Day was read for the House resolving itself into Committee on the Municipal Corporations Bill.

Viscount *Melbourne :* My Lords, I now rise to make the Motion which I proposed on a former occasion, when I was interrupted by the Motion made by a noble Earl, and adopted by this House, for hearing Counsel and receiving evidence at the Bar. When I consider the length at which I addressed your Lordships on a former occasion, when the general principle of the Measure was discussed, and when I consider the very clear and distinct arguments both for and against that Measure which were then addressed to your Lordships, I do not think it my duty to offer any very lengthened observations to your Lordships on this occasion. Your Lordships have heard Counsel at the Bar; you have heard the evidence also at the Bar. Your Lordships well know my opinion of the inconvenience of that proceeding, as well with regard to the present Measure, as with regard to the precedent it would establish. I shall, therefore, make no further observations upon that part of the subject. I think the inconvenience has been fully exemplified by the many petitions that it has called forth, by the nature of the debates which it has produced, and by the many small matters that have been brought in question before your Lordships. Such, for instance, as to whether a person possessing a beneficial lease under the Corporation of Coventry, has any interest in that Corporation, so as to bias his evidence in favour of that Corporation? These were small matters, but which might take your Lordships a great deal of time to unravel and discover; and which I apprehend at the same time could have no possible effect whatever upon the Question before you for your Lordships' decision. Having produced such an instance, I shall not dwell further upon this part of the subject, or produce other instances to show that my anticipations of the great inconvenience that would result from your Lordships' recent decision has been borne out, and has also been attended with some degree of injustice, because it is injustice, that imputations should be cast upon persons in the solemn and formal manner in which they have been, who had not the means of refuting or rebutting them. I think it is impossible not to feel, not only that considerable inconvenience, but that some injustice, has resulted from the mode adopted by your Lordships. With respect to the evidence given at the Bar, I shall not enter at present into an analysis of it. In the course of the debate upon this Measure we shall probably hear what part of that evidence is, and what part is not, material in the decision to which we ought to come on the Question before your Lordships. With respect to that evidence I will only say,—not meaning in the slightest degree to impeach the talents or the integrity of the persons by whom that evidence was given at the Bar, all of whom were well acquainted with the subject on which they spoke; but at the same time I must state that they were all persons either in the employ of these Corporations, or leading members of them; that they were involved entirely in the proceedings of these Corporations, for the reformation of the abuses of which this Bill is brought forward; that they were either the advisers or participators of all the acts this Bill goes to correct; and that their interests will be seriously affected by the provisions it contains. I must also say, with respect to the mode in which the evidence was given, that it has been entirely *ex-parte* evidence, and conducted in an *ex-parte* manner. The witnesses were all examined on one side, and not cross-examined by Counsel on the other. They were examined in a most leading manner, and the only check upon them was any examination which any noble Peer might think proper to put; and which examination was necessarily very much curtailed and abbreviated from the anxiety we all felt to relieve ourselves as speedily as possible from a course of proceeding in which we felt we had most incautiously and injudiciously involved ourselves. With this observation I will dismiss that evidence; because, supposing all the facts it alleged were admitted to be true—yet the deductions from them were only the mere opinions of the witnesses who delivered them, and in my view of the case there are sufficient grounds for entertaining quite contrary opinions; while many of the statements themselves are capable of being contradicted by other evidence. But supposing this were not so, and all the facts were true, what do they amount to, beyond that of a re-statement of all the facts already given to your Lordships in the Commissioners' Report, except certain mistakes of a trifling nature, which are admitted by the Commissioners? But to any counter-statement made by the witnesses at the Bar against the Commissioners' Report, I am instructed to say that the Commissioners can satisfactorily defend their Report against the charge of mis-statement or error. But, my Lords, I again say, if the whole of the evidence taken at the Bar were admitted to be true, it would not in the slightest degree affect the general grounds upon which I rest my defence and support of this Measure—general grounds, the justness of which, in a certain degree, was admitted on a former occasion by some noble Lords in this House, who are nevertheless opposed to this Bill. With respect to the Corporation Commissioners, I cannot but think that they have been treated with great and unmitigated injustice. Their names have been derided, and definitions of their political characters given, from whence collected I know not. But when observations of the same sort were made which were supposed to reflect upon the early political character of others, the answer immediately was this—"No—you have no right to say that—you have no right to attack me for opinions I may have entertained before I came into Parliament; it is my public acts alone that you have any right to impeach." My Lords, I think there is great justice in that remark; but then, my Lords, let the same justice be rendered to the Commissioners which you demand for yourselves, that which you ask for yourselves should be also meted out to these Commissioners, who stand precisely in the same situation as you did—who stand precisely in the same rank of life—who stand precisely in the same profession as those did who now charge them with undue violence—with going beyond due bounds in their political principles, political feelings, and political opinions. This, my Lords, is no light charge. It is very well known what is meant by this. I say it would be perfect injustice to ascribe these feelings and opinions to the Commissioners, for nobody can be positive or certain of what are the real political principles and opinions of men when they are merely collected from common report, and common conversation, and not from the intimate intercourse of private life. It is not fair, then, with respect to men struggling upward in their profession, to stop them in a manner which may be of serious mischief to them, and greatly prejudicial in the course of their after-life. Your Lordships must expect that these Commissioners, attacked as they have been—accused of the most violent principles—charged with stating direct falsehoods—and threatened with punishment—must necessarily feel—as men of honour and integrity, who are conscious of having discharged a great public duty to the best of their ability—indignant and impatient under such imputations. They have been most anxious to petition your Lordships, in order that they may be heard at the Bar in refutation of those aspersions. They feel confident they could, in a short period, dissipate the whole of the imputations thrown out against them. I have, however, entirely dissuaded them from such a course. I was afraid that we might be involved in further inconvenience; I was afraid that some of your Lordships would say, that it was due in justice that they should be heard. I therefore persuaded them from pursuing that course, distinctly informing them that I could not *refuse* presenting their petition, but that I thought it more prudent not to present it; because I did not in my mind feel confident that if I did not move that they should be heard at the Bar some other noble Lord might do so. In consequence of this they addressed to me a letter, which states more distinctly than I could do, the grounds on which they rest their case, and the manner in which they reply to the charges made against them, which letter I think it my duty to trouble your Lordships with. I have also received a letter from Mr. Buckle, and one from Mr. Austin, to a similar effect.* The

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* The following are the letters referred to in the text:—

"Aug. 12, 1835.

"My Lord—Having just read a letter written to your Lordship by Mr. Drinkwater and Mr. Rushton, relative to the attacks made upon the conduct of the Corporation Commissioners by the Counsel and witnesses at the Bar of the House of Lords, I beg leave to assure your Lordship that I concur in the feelings expressed in that letter by the Commissioners who signed it; and I strenuously protest against any unfavourable inference being drawn either against my own, or the reports of other Commissioners, from the unproved statements of Counsel or the evidence of witnesses interested in the present Corporate system, and who were subjected to no cross-examination.

"I am, &c. &c. "C. Austin.

"House of Lords, half-past seven."

"Penzance, August 10, 1835.

"My Lord—I learn from the newspapers that the House of Lords is now engaged in a quasi-judicial inquiry into the conduct of the Corporation Commissio
Commissioners, may I be permitted to ask whether it is the intention of the House to limit this inquiry to the statements of town-clerks and aldermen; or whether the numerous witnesses, upon whose testimony our reports are founded, and whose evidence was publicly given upon oath, in the presence of the several Corporations and their opponents, subject to any questions that might be suggested on either side, will be called to their Lordships' Bar for examination?

"Without presuming to understand the precise nature of those functions which the House is now exercising, I may be allowed to observe that if their Lordships propose to judge the conduct of the Commissioners or the faithfulness of their Reports, by the *ex-parte* statements to which they are now listening, it will be a very novel mode of exhibiting to the country that nice sense of justice to which they have laid claim upon this occasion. Confident that in such a case your Lordship will not suffer the character of this inquiry to pass unobserved, when the Commissioners cannot be heard, I will only add, that I am prepared to justify my Reports on the Corporations within first letter is signed by John Elliot Drinkwater and Edward Rushton, and runs thus:—

"Westminster, August 12, 1835.

"My Lord—We feel ourselves placed in circumstances of great pain and embarrassment, by the course adopted in the House of Lords with regard to the Municipal Corporation Reform Bill, being compelled either to permit our characters to be unjustifiably assailed with impunity, or to promote the objects of the parties, by whom the attack has been instigated, by offering to vindicate ourselves at the cost of certain delay, and probable consequent defeat, of a great public measure, involving the present peace and permanent interests of the empire.

"Your Lordship is aware that almost all the Commissioners are absent from London, and are even now very imperfectly informed of the charges against them; but we are confident that the feelings with which we now address your Lordship must be shared by all our colleagues who are placed in the same situation."

"Our natural impulse would lead us to present a petition to the House of Lords, praying to be allowed the opportunity of repelling the mis-statements which have been made at the Bar affecting us, and of supplying the additional information to the House, without which it is impossible for their Lordships to estimate the propriety of the manner in which the inquiry was conducted, or the correctness of the Commissioners' Reports. But your Lordship informs us that this course will not have the sanction and support of Government on account of the necessary consequences to which we have already alluded.

"We are therefore driven to request this, at least, of your Lordship, that the House may be made aware that it is from no indifference to their Lordships' censure, from no want of regard to our own reputation, and from no want of means fully to establish the propriety of our behaviour, that we are reluctantly induced to forbear appearing as petitioners before your Lordships.

"The present occasion is not a fitting one to make general allegations of the spirit in which we attempted faithfully to discharge the important duty intrusted to us, and of which we have the satisfaction to believe that your Lordship is fully convinced. We pass by in silence much of the intemperate abuse with which we have been assailed, since their Lordships did not deem the language in which it was uttered unfit to be heard at their Bar. But we cannot entirely repress the indignation and disgust with which we have heard ourselves accused by Counsel of malignity, and of wilful and scandalous falsehood, which feelings have been greatly heightened by observing that none of the witnesses would adopt the language which the Counsel ineffectually endeavoured to put into their mouths.

"We have carefully examined the whole of the evidence given at the Bar, and are not a little surprised at perceiving that by far the largest portion of it consists merely of an imperfect repetition of statements already made more fully in our Reports, with which we have not conceived that it was the intention of their Lordships to allow their time to be occupied. The facts contradicted in detail are not only exceedingly few in number, but are altogether unimportant.

"Even under the strong provocation that we have received, we are very loth to accuse either Sir Charles Wetherell or Mr. Knight of an intention to mislead the House, although they have shewn little forbearance or delicacy towards us; but we earnestly beg your Lordship to take an opportunity of pressing on the attention of the House that the abuse of us, in which those gentlemen indulged, was neither grounded on any specific allegations in the petitions on which they were heard, nor has it been sustained or justified by the evidence which they have called.

"Among many other things of which we have just reason to complain, we have discovered, with the greatest regret, that in more than one instance a witness was prevailed upon to swear that the Report was false and incorrect, by Counsel pretending to read, as part of the Report, that which is not part of the Report, and by incorrectly stating that to be omitted from the Report which is not omitted from the Report. Three instances of this occur in the evidence on Coventry alone.

"Your Lordship is aware that our Reports do not profess to give the evidence which was taken by us, but merely the general effect and result upon our minds of all the evidence which we received; and we are perfectly sensible that the reliance that can be placed upon the truth of the matters which we have so reported must depend upon whatever character we are supposed to bear for intelligence and impartiality; but we protest against any conclusion being drawn with respect to the accuracy of the representations made by us from a review of evidence on both sides of the question, from the picture which has been drawn by witnesses on one side only. All our inquiries were conducted in public, and all evidence which was tendered to us was received, and notwithstanding the assertions of Counsel, no satisfactory proof has yet been offered to the House that the testimony of any of those witnesses was disregarded by us. It is not however surprising that those who are implicated in a system which we denounce as bad and unpopular, should cavil at our conclusions, and should think that until they were called to

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the Eastern Circuit, including those upon Norwich and Boston, which have been subjects of complaint.

"I have the honour to be, my Lord,

"Your Lordship's most obedient servant,

"John Buckle

"Viscount Melbourne, &c. &c. &c."

make an *ex-parte* statement at the Bar of the House of Lords, sufficient weight was not allowed to their own evidence in their own favour.

"It has been alleged, and strongly commented upon, that we were in private communication with the adversaries of the Corporation, which in the sense in which alone the witnesses could swear to it (namely, for the purpose of learning the subjects of inquiry), is true and justifiable, but in the sense in which it was brought against us, as an accusation, is absolutely groundless.

"It must be obvious to your Lordship that it was only from the adversaries of the Corporation that we could learn what were the complaints that existed on which the inhabitants wished an inquiry to be instituted: but the examination appears to have been cautiously conducted, so as to lead the House to believe, contrary to the fact, that evidence was received in private, and that complaints have been noticed in the Report which were not made the subject of public investigation.

"Your Lordship is perhaps aware that even in the short interval that has elapsed since the evidence before the House has been made public, the accuracy of the Reports have been vindicated in several towns in which the conduct of the Commissioners has been most strongly attacked, by resolutions unanimously passed at large public meetings of the inhabitants. It is possible, therefore, that we might have safely treated the attack upon us with silent contempt.

"We trust, however, that some allowance will be made by your Lordship for the feelings of men who conscientiously believe that they should not have been calumniated, if a more important object had not been in view than the defamation of their character, and who are told that it is their duty to submit for a time to the aspersions cast upon them, rather than throw additional obstacles in the way of a measure of great national importance.

"We have the honour to be, my Lord,
"Your Lordship's obedient servants,
"John Elliot Drinkwater,
"Edward Rushton."

This, my Lords, is the statement made by the Commissioners. It is more distinct, more forcible and positive than anything I could advance; and with that statement of their case I leave these gentlemen to your Lordships' justice, and submit their conduct to your fair and impartial consideration. With respect to the general measure itself it is not my intention on the present occasion to repeat all those general arguments by which I before attempted to induce your Lordships to consent to the second reading. Your Lordships must be fully aware that there is a great and general feeling prevailing on this subject: that that feeling is not confined to one part of the country, or to one class of the community; but that it prevails as well in corporate towns and cities as in towns not corporate; that it in short pervades the whole mass of the community. I am not, as your Lordships are well aware, one of those who think that public opinion is always necessarily correct, just, and right—or that we are always to be bound to obey its dictates. I am perfectly ready to admit, that the people may be misled by passion, their judgment warped by prejudice, that their opinions may be erroneous, and their views mistaken: but, my Lords, I nevertheless am bound to say that there is a state of public feeling and opinion upon this question under circumstances which call upon your Lordships to give it your particular attention; and which make it necessary that your Lordships should think of it with more than ordinary interest and concern. Whatever may be thought of the liability to error on the part of the people, yet when general views on any given subject are entertained by large masses of the community, no wise statesman, no prudent legislator, would ever treat those views with neglect or disregard. Your Lordships know very well that throughout all those towns where the name of a corporation exists, a long, deep-rooted, and settled opinion has prevailed that the present constitution of those corporations is an usurpation; that it is a deprivation of rights which formerly existed; that it is an encroachment and an innovation upon the more popular form of the institutions which were established in these boroughs by our ancestors. The public opinion is never so much to be regarded, or to be looked at with so much caution and respect, as when it is founded on a feeling of right, and when the people think they have been treated with injustice. Such are the feelings that have been manifested by the various corporate towns on this subject; they, therefore, demand your Lordships' particular consideration. Another circumstance which requires your Lordships' serious attention is, that this is a question which peculiarly concerns the middle orders, and those who constitute the great bulk of the people. They feel it more, and consequently they understand it much better than your Lordships. There may be questions upon which your Lordships may be able to form a better judgment than the bulk of the people; but upon this question the people, I repeat, are much better judges than you are. They know intimately the workings of these corporations. There may be, in a local Government, a system extremely partial, a system extremely troublesome, a system extremely annoying, a system extremely offensive, a system felt by everybody in the place to taint, as it were, the very air about them, making it noxious and hurtful to all but a few, and yet, for all this, it may be very difficult to detect any actual abuse, or to fix upon that which is, in fact, the real cause of the evil. This, then, my Lords, is a strong reason why you should pay particular attention to the feelings expressed by the people on this subject. But there is another reason: my Lords, I tell you that this is not only the feeling of the people, but it is a sound, it is a sincere feeling. It is in their hearts. It is not a momentary feeling got up for the occasion—it is not a factitious feeling —it is not a feeling capable of being raised by exaggeration. On other questions I do not deny that great popular prejudice, great exaggeration existed, both with regard to the evils produced by the existing system of things, and the good to be derived from the removal of them. But that is not the case upon this subject. I do not mean to say that there is no exaggeration upon this subject; that no violence—no passion has been displayed; but I do maintain, my Lords, that it is a subject less capable of exaggeration, less susceptible of misrepresentation—a subject upon which the passions are less likely to be inflamed than any other question that has been placed upon the basis of the popular opinion. My Lords, I have but little more to state upon this question. It is impossible not to feel that it is a very great misfortune when the three branches of the Legislature do not act at least with something like unanimity, when there is not something like agreement in their proceedings, when there is not something like sympathy in their feelings and opinions. My Lords, I feel this to be a very delicate subject to touch upon; but, my Lords, I do say that if any alienation between your Lordships and the House of Commons should be of long continuance, it would and must lead to consequences of the most disastrous kind. Your Lordships well know, indeed it is too clear to be doubted or denied, that there is not that union and that sympathy between your Lordships and those who constitute the majority of the other House of Parliament which it is desirable on all considerations should subsist. Your Lordships do not sympathize with a very considerable majority of the House of Commons. I beg your Lordships to recollect that this Bill passed the second reading in the House of Commons without any division; and not only so, but after it had undergone the scrutiny of a committee, and after all the amendments which were moved had been negatived in that committee, those who proposed such amendments did not think the Bill, even though their improvements were rejected, was so unfitted to pass into a law as to justify them to vote for its rejection; but it was read also a third time without a division. I say, therefore, my Lords, that this ought to make you to pause before you determine to reject the Bill so passed by the House of Commons. I call upon your Lordships to consider; to reflect. I do not speak this by way of menace, or in the way of intimidation. I offer it to your Lordships' calm judgment. But your Lordships will recollect, if you refuse to conciliate, if you refuse either to go into committee, or to give this Bill a fair consideration, you will be setting yourselves in opposition, not to a majority of the House of Commons that support the Ministers, but you will be setting yourselves in opposition to almost the whole House of Commons. You will be setting yourselves in opposition to the opinions of the people of England, collected, not from public meetings, to which objections may be made—collected, not from petitions presented to this House, to which objections may be made; but you will be, and are, setting yourselves in opposition to the opinions of the people of England, declared through the legitimate organs—their representatives in Parliament. I now move that the House resolve itself into a Committee of the whole House on the Bill.

The Duke of *Newcastle* rose to move an amendment. He felt as much as the noble Viscount could feel the inconvenience arising from this House being in opposition to the other House of Parliament. He should be very much disposed to prevent a collision between the two branches of the Legislature; but, after all, he could not see any reason why this House should be obliged to adopt the measures of the House of Commons, if their Lordships in their wisdom should think those measures were not correct. It was possible that even the acute mind of that highly-talented person who stood so eminently forward in the other House of Parliament might not see everything in a correct point of view. No human being was infallible. If he differed from the noble Duke (Wellington), whom he respected beyond what his powers of speech would enable him to express, he did so upon purely conscientious grounds. This, however, was not the first time in which he had differed from the noble Duke. When the noble Duke came forward as the advocate of the measure for the repeal of the Test and Corporation Act, and also of the Bill for the Emancipation of the Roman Catholics, he had stated his objections to those two measures, and warned their Lordships not to adopt them. Subsequent experience induced him to think that the warning he then ventured to give was not out of place. Subsequent experience taught him to think that it would have been well if his warning had been listened to with a more attentive ear. In the same way that he had warned the House on the two former occasions to which he had alluded, he begged to warn them now. He would have them beware how they adopted a Bill of the description of that now under their consideration. He did not mean to say that his views were right; but he believed them to be right, and believing them to be right he was prepared to avow and maintain them. He believed that the measure was fraught with every evil that could beset a legislative enactment. It was a measure of the worst description—it was a measure which had for its object the spoliation of property, the deprivation of rights, and the violation of that good faith which the Government and the Parliament had universally observed towards all British subjects. If their Lordships consented to the violation of that good faith, and of those rights and privileges which pertained to certain classes of the community, they might depend upon it that at no distant period they would have to lament a similar violation of their own rights and privileges. The vote of the same House of Parliament which tended so injuriously and so unjustly to deprive the existing corporations of the country of their rights and privileges, might just as easily be applied to deprive every one of their Lordships of their estates and to subject them to the arbitrary will of a tyrannical House of Commons. The noble Viscount at the head of the Government, in introducing the Bill a few days ago, had called it a remedial measure: but he (the Duke of Newcastle) stated on that occasion that he could only regard it as a Bill of Pains and Penalties. If it were indeed a remedial measure, where was the necessity for appointing the Commission. The Commission had cost the country a great deal of money, yet the noble Viscount had declared that its opinion was in fact of no value, and that it had only been appointed *pro forma*. If that were really the fact, he (the Duke of Newcastle) must say that his Majesty's Ministers had been guilty of a shameful waste of the public money, to squander it away on a commission whose opinion they declared was not worth having. A noble Earl the other day, in alluding to a commission which was about to issue with respect to the church affairs of Scotland, had very ably and very properly pointed out the immense mischiefs which result from the issuing of commissions of this description; and on that occasion the noble Viscount at the head of the Government, with the view, he supposed, of removing all objection upon the subject, stated that the Commission alluded to would be composed of persons of all sentiments. Persons of all sentiments! A goodly company indeed to inquire into the affairs of a church. In former times, when arbitrary rule used to exist in this country, commissions issued in this manner were the usual and ready instruments by which the most arbitrary measures were effected; and it could not have escaped their Lordships attention that one of the strongest provisions of the Bill of Rights was particularly directed against these very commissions, and with good reason, since experience had shown that they were calculated to centralize in the hands of Government all those powers which, useful and valuable as distributed over the whole country, became dangerous when vested in the Minister of the Crown. It was necessary, looking at the prevailing spirit of the day, that their Lordships should not lose sight of their privileges, or be wanting in courage to perform the duties which had been marked out for them by the constitution. In 1815 it was impossible to find a country in Europe so happy as England—so prosperous in every respect, and so much looked up to by every nation under the sun. What had happened since then? We had trusted since then too much to our own wits, and we had gone totally astray from the political light, which unfailingly led us to that prosperity and honour. We were, consequently, day after day becoming more unhappy, and less prosperous; and he foresaw that we should go on in that downward track until we came to a revolution, unless it were speedily and effectually averted by the exertions of their Lordships. He was inclined to come to these conclusions by his observation on the spirit of universal anarchy which was abroad; and he should warn their Lordships that, unless a check were speedily put on it, all would be lost. At the onset he had stated his objections to its proceeding further, on the grounds that it was a condemnation of parties unsupported by evidence, and a deprivation of property without the formalities even of justice. The House had seen it in the same light; and evidence had been heard. What was proved by that evidence? The contrary of all the allegations in the parts of the report which had been entered on; and the total absence of every shade of delinquency on the part of the corporations. However, notwithstanding all that, it appeared that the Bill was to be proceeded with—that it was to be permitted to go into Committee for the purpose of amendment, which he felt bound to say could never take place, the measure was so radically and essentially bad. He considered that in that respect the corporations had been very ill used; because their money had been expended in procuring evidence which it appeared was not to have the effect it deserved. He had heard it alleged against the corporations that their magisterial authority was of no avail; but this he could, from his own knowledge, deny. He lived in a county where riots were frequent, and organised opposition to the law extensive; and he had received proofs on more than one occasion of the efficiency of the corporation in checking the one and putting an end to the other. He would instance the town of Nottingham, with whose corporation he entirely differed in politics, the more willingly; for the purpose of bearing his testimony to the excellence of their police, and the great assistance derived from their local authority on all such occasions. If the Bill for the extinction of municipal corporations should be passed, the House would be called on to perform the same office for others, of a similar character and founded on the same principle. The Established Church was a corporate body. Its possessions and privileges could consequently be attacked on the grounds which served the supporters of the Bill before their Lordships; and their Lordships if they passed the one could scarcely refuse to pass the other. The Colleges and Universities of the kingdom were also corporations, equally obnoxious to those whose trade it was to excite sedition, whose object was plunder, and whose lure was the spoil they could obtain in the overturning of old establishments. It would be the wiser plan to put down at once the arbitrary and indefensible measure before their Lordships; for all establishments would be endangered if it were not rejected. He (the Duke of Newcastle) was a friend to liberty, but it was to constitutional liberty, and not to uncontrolled licence. He lamented exceedingly the popular error, the erroneous view which which was generally taken, that it was necessary to concede to public opinion and to yield to the spirit of the times. If it were a proper description of public opinion he would adopt it as soon as any one; but the public opinion which now prevailed was a spurious opinion, and based upon bad principles. The public opinion which he should adopt was that which was based upon the religion of the country—the Protestant religion. An hon. Friend of his had done credit to his head as well as his heart when he said that all good Governments were based upon religion, and that no good Government could exist without it. With that opinion he (the Duke of Newcastle) fully concurred. He would unite religious reverence with veneration for the Throne, and on no pretext whatever separate them. Trusting that their Lordships would concur with him in sentiment, and express it by their course of proceeding, he should move that the Bill be recommitted that day six months.

The Earl of *Mansfield* said, that although he participated in many of the objections which had been advanced by the noble Duke, he could not concur in the Amendment which he had concluded by moving. He should give his vote for the proposition of the noble Viscount (Melbourne), that the House do now resolve itself into Committee upon the Bill; but with their Lordships' indulgence he should wish to explain that vote, and to make some observations upon the circumstances in which they were placed, and upon the feelings with which he should address himself to the subject when it came to be discussed in Committee. Objecting as he did to the principle and details of the Bill as strongly as his noble Friend who had last addressed the House, he should certainly have felt himself justified in refusing to vote for the second reading, that reading of a Bill being generally supposed to involve an admission of its principle. But in practice, as their Lordships well knew, they had often allowed a Bill to which there were strong objections to go into Committee, and if in that stage it were not in their power to make such alterations in its principle and details as might correct its errors, then to throw it out on the third reading. That being the case, he thought their Lordships had judged well to read this Bill a second time, with the view of allowing it to go into Committee. But in taking this course, their Lordships, he conceived, had been influenced—at all events he had been influenced by a consideration of the circumstances in which they were then placed. He would shortly describe what those circumstances were. When the Reform Bill was passed some of the supporters of that measure supposed, and others avowed that it would be necessary, as an unavoidable consequence, to reform the system of Municipal Corporations. There was, he believed, an address upon the subject from the House of Commons to the Throne. There was a Committee appointed upon the subject, of which the right hon, Baronet, lately the First Lord of the Treasury, was a member, which shewed that he was not indisposed to an inquiry into the matter. Subsequently the Commission, upon whose Report the present Bill was founded, was issued, and when the right hon. Baronet (Sir R. Peel) became First Minister of the Crown, he did not interrupt the labours of that Commission; but in the speech which he advised his Majesty to deliver from the throne, he held out the hope—a hope afterwards realized—that the Report of the Commissioners would shortly be laid before both Houses of Parliament—a Report which, in the right hon. Baronet's opinion, at least, was to have some influence over any future legislation upon the subject. Under these circumstances, therefore, he thought it was incumbent on their Lordships to give the Bill a full and deliberate consideration; and it was from these circumstances also, that he had been induced to control, he might say, the disgust which a measure so violent in its aggression upon chartered rights and property had naturally inspired in his mind. Allusion had been made on more than one occasion to a supposed discrepancy between the line which had been taken by some noble Lords in that House, and the opposition which had been given to the Bill in the House of Commons. When this Bill was first brought before the other House of Parliament, the right hon. Baronet to whom he had already alluded, did not oppose its introduction; but reserved to himself as he (Lord Mansfield) apprehended, the liberty of advancing on after occasions any objections which might recur to him. Whether the House of Commons proceeded to a division on any of the questions in debate as connected with the provisions of the Bill, was not a matter of inquiry in that House. If, as could not be questioned, there was a considerable majority in the House of Commons in favour of the Bill as it stood, that might be a reason for its opponents abstaining from repeated divisions; but whatever the circumstances under which the Bill passed through the Lower House, he himself conceived that the fact of its having passed, rendered it incumbent upon their Lordships to entertain the measure, and to give it the best consideration in their power, with the view of rendering it as perfect as possible when it should come out of their hands. He therefore did not want to reconcile the discrepancy which was said to exist between the conduct of the Opposition in that House, and that of the Opposition in the Commons; it was enough for him to remember, that nothing that occurred elsewhere should be allowed to influence their line of conduct, or to fetter their judgment. But he could not help observing that upon this, as upon other occasions, even where there was a coincidence of general political opinions between the two Houses, there was a great difference in the manner in which the same subjects were viewed by the Members of either House. With respect to the present question, it was his firm belief, from the discussions which had already taken place in that House upon the subject—from the speeches of counsel, and from the evidence of witnesses which had been heard at the Bar—that objections to the measure had occurred to some noble Lords, which had never been anticipated by their friends on either side of the House of Commons, As for the Bill itself, he conceived that though it bore the title of "An Act to provide for the Regulation of Municipal Corporations in England and Wales," it was and had very properly been termed a Bill of pains and penalties. In the preamble of the Bill it was stated that neglect and abuse, among other things, had prevented the said bodies corporate from being, and that they were not now useful for purposes of local government. That was the charge set forth in the preamble, and the Clauses of the Bill provided the penal consequences of the charge. It was against the charge in the first place that he begged leave to remonstrate. How was the charge proved? It was said to be proved by the Report of the Commissioners, who themselves declared that they had never laid the real evidence on which their Report was founded before the House. Yet it was upon the Report which the Commissioners had furnished, that the charges contained in the preamble of the Bill were founded. As he had taken no part in the previous discussions which had taken place upon the subject, he could not help availing himself of that opportunity of adverting to the Commission itself. If his noble Friend the noble Duke (Newcastle) were to repeat what he had said upon a former occasion, that the illegality of the Commission was generally acknowledged, he must take leave to say that his noble Friend laboured under a misapprehension; but if his noble Friend were to say that the legality of the Commission had not been questioned, he thought his noble Friend would also be mistaken; for he certainly had heard from a noble and venerable Earl who so long presided in the Court of Chancery a distinct opinion, that the Commission was decidedly illegal; and though he (Lord Mansfield) would be the last man on his own unassisted judgment to assert either that the Commission was legal or illegal, he confessed he felt disposed to adopt the opinion of one whose legal learning no one in that House, he supposed would be disposed to dispute. He confessed, therefore, that upon a comparison of the opinions which had been delivered upon the subject, he was disposed to consider that the Commission was illegal. But taking the assertion of the noble and learned Lord (Brougham) opposite, that the Commission could not be enforced, together with the admission from the same learned source, that if any body refused to answer its interrogatories, it had no power to compel him to do so, he must say it appeared to him to be a most extraordinary Commission for the legal advisers of the Crown to recommend the Crown to issue. He could imagine that if an order were issued by a military commander to change or to extend the service of an individual who had enlisted only for particular service, and for a particular period, observations would not be wanting on the other side of the House that no lawyer would have advised the issuing of such orders. He confessed it appeared to him that the issuing of a Commission, with pretended powers which it could not enforce, could not have a tendency to increase respect for the Crown. It appeared as if the object of issuing such a Commission was to entrap the unwary into admissions, and into the production of papers and documents which might afterwards be used to their disadvantage; and when other Corporations, not more pure, but perhaps more wise, refused to answer questions, or to produce documents, inferences were at once drawn from their refusal which were received as proofs of their guilt or corruption. With respect to the Commissioners themselves, he was reluctant to make any observations. But if the evidence heard at the Bar of that House were credible—if the allegations contained in it were capable of being supported—he thought the impression left on their Lordships' mind, with respect to the conduct of the Commissioners, must be most unsatisfactory. He lamented that an opportunity had not been afforded to them of rebutting that evidence. It was what in justice they were entitled to, and sorry should he be to be under the necessity of refusing it. For the impression on his mind, and he thought he should not be mis-stating the fact when he said the impression on their Lordships' mind also was, that the Commissioners were willing partial instruments of a Government, which had determined upon a sentence before it instituted an inquiry. Returning to the preamble of the Bill, the noble Lord contended that no such abuse or neglect had been proved against the existing corporations, as could warrant the subsequent penal enactments of the measure. But even supposing that neglect or abuse did exist, it was by no means necessary that such a measure should be brought forward to correct them. Wherever neglect or abuse was proved, the existing law had power to correct it. At all events, if malversation were alleged, it ought to be proved by legal evidence legally obtained. Of the evidence obtained under this commission, he would not speak with so much disrespect as one of the Commissioners themselves had spoken; but this he would say, that to condemn a person upon illegal evidence, or to abstract his cause from that tribunal to which he was naturally and legally amenable, was to violate one of the most sacred principles of our great charter. The effect of the evidence given at the Bar of the House, had been to disprove, in a great many instances, the charge of abuse and negligence. If this Bill were to pass, then it would, at all events, be necessary that its general consequences should be annexed only to those places whose guilt had been fully and completely substantiated. When the Bill came into Committee, therefore, he should protest, in the first instance, against the deprivation of rights, or the infraction of Charters, by the unlimited extension of the Bill, in cases where guilt was not clearly proved; and, in the second place, against the application of property, left in trust, to any other uses, or to the transference of it to any other trustees than those to whom the creator of the property had been pleased to bequeath it. There was another point to which he could only refer with very great humility; but he confessed it appeared to him that the interests of the Crown were involved in this question. It appeared to him that there were cases in which the interests of the Crown might be very materially affected by the Bill; and in consequence the doubt arose in his mind as to whether, before the introduction of such a measure, the consent of the Crown might not be necessary. It was the duty of the Ministers of the Crown to have ascertained that fact. The consent of the Crown was thought necessary in the case of the measure for the abolition of heritable jurisdictions, in the case of the Sinecures Offices' Bill, and, he thought also, in the case of the Sinecures Reversion Bill. The Noble Viscount had said that the Bill was not founded on the Report of the Commissioners. However that might be, he (Lord Mansfield) begged their Lordships, in considering the Bill, to efface from their minds whatever the Report contained against the Municipal Corporations. The Commissioners, in their Report, declared that the system of self-election, of local taxation, of the application of charitable funds, &c. had given not only general but just discontent. This was their assumption, and they had made no distinction with respect to the charitable funds, whether or not any latitude had been left to the Trustees in their application. In his opinion, however, even where there was no such latitude, the Trustees were justified in reserving the property, and applying it to other purposes than to those which they knew were hostile to the intentions of the testator. All, however, were equally involved in the condemnation of the Report; than which certainly nothing could be more unjust. Although in some corporations there was a government almost as popular as the strongest advocates for popular government could wish for; in short, whether the management of the affairs of the corporation was good or bad, it was declared that one general plan of what was called reform was applicable to them all. It had been supposed that before the Commissioners entered upon their inquiry, they had been told of the plan which it was intended to propose—a supposition that explained the course which they had pursued. One argument which had been urged in favour of the Bill was, that the necessity of an extensive reform in the Corporations had been generally admitted. That admission had not received his concurrence. It was really, however, difficult for any noble Lord to guard himself from misrepresentation on the subject. If he was silent, that silence was said to give consent to the measure. If, in the usual way, he called out "Hear, hear!" it was said that that was an expression of assent. If he uttered the monosyllable "No," he was held to give an unreasonable interruption. This was his apology for thus trespassing on their Lordships' attention. He repeated that he for one had never made the admission, that extensive reform was necessary in the corporations of this country. It was said to those who had made such an admission, "you allow that there are extensive defects in the Corporations, here is a Bill to correct those defects—adopt it." Now, although that was not the best of reasoning, it would have the effect of the best of reasoning if supported by a majority. To those who contended that the Corporations were full of imperfections he would answer, "Explain to me the precise nature of those imperfections, and show me the precise manner in which your proposed remedy will correct them." He was far from being one of those who thought that a zeal to destroy indicated an ability to reconstruct. He was far from being one of those who thought that the machinery of this Bill would be efficiently applicable to all the various Corporations. With the reservation of the protection of all existing rights—a reservation which he trusted their Lordships would in such circumstances never fail to make—it was impossible that any one measure could be rendered applicable to all the corporations. It was in the power of the Crown to grant charters not only to those towns which now had them, but those which had not; and if there were any deficiency in that power, it could be increased by Parliament. But in all such cases the proceeding ought to be by concession, and not by force. What he remonstrated against was a principle of violence as great as was intended by King James. His opinion upon this part of the subject was confirmed by Sir Francis Palgrave, one of the Commissioners, and one who was by no means indisposed to measures of Corporate Reform. Sir Francis Palgrave said,—"Whatever plans may be adopted for altering the constitution of Municipal Corporations, the diversity of the local and particular circumstances of the towns, as well as the necessity of obtaining the deliberate opinions of the inhabitants, will probably render it expedient, that the change should be effected, not by a general enactment, but by a special adaptation of general principles to each Corporation which may require the same; such adaptation to be effected through some competent tribunal." In his opinion, their Lordships ought to take the measure into their most calm and deliberate consideration. It was in their power to amend any Clause in the Bill; to amend any error either in the principle or in the detail of the Bill. All he wished to impress upon them was the absolute necessity of effacing from their minds any impression which might have been made upon them by the report of the Commissioners. Nothing could be more temperate than the address of the noble Viscount, and he would not even insinuate an opinion that the noble Viscount would not wish their Lordships to be left to the free and deliberate exercise of their own judgment; but that had not always been the case. A noble Friend, near him, had alluded to his conduct respecting the Catholic question — a question, certainly not connected with Corporation Reform, but to which an allusion had also been made by the noble and learned Lord (Brougham). That noble Lord had supposed that a great part of the majority on this side of the House opposed to this Bill, were the most prominent in their objections to that measure; and the noble Lord was right in his supposition, the noble Lord had consequently addressed a warning to their Lordships to recollect the consequences of that opposition. He was willing to believe the advantages of supporting that measure were greater to some than the advantages of opposing it were to others,—but as to the political consequences of that measure, they had proved to be none other than those who opposed that Bill ventured to say were inevitable, but which the noble Lord, who had reminded the House of the consequences of it, said, at the time, were impossible; and, he must own, that, in this instance, experience had not altered his opinion. He remained obstinate in his error, if error it was. The warning, however, was really intended to affect their Lordships' deliberations on this Bill, though it was, to be sure, introduced with reference to what had fallen from the learned Counsel at the Bar, whose arguments, though they had great weight with their Lordships, had scarcely been replied to by any noble Lord One of the Counsel spoke of the Reform Bill, of which he said he did not know the date; but, all their Lordships knew it, knew the date of it, the tenor of it, its authors, and the manner in which it was passed. Their Lordships knew, that although it was invested with the appearance of a constitutional reform, it was carried by violence; in proof of that fact he might appeal to their Lordships who were present, and he referred to the protest in which their Lordships had indelibly recorded their objection to the violence with which it was carried. And by whom was this measure now before their Lordships recommended?—by one of the advisers of that violence; a violence by which any other change might have been introduced affecting those boroughs, or even their Lordships themselves. But their Lordships were now free from the danger, the pressure was removed, and by its own moral elasticity, the House of Lords had risen to its proper level; and from this independence the people would profit. It was to that House the people possessed of any property, however low might be their station, would look for the preservation of their rights, and for that protection which the House of Lords, in its independent condition, never denied them. He did not state this with any exultation, for the effects of the violence he had deplored were permanent; they were not to be cured. It was his wish to impress upon their Lordships the necessity of proceeding calmly, with the discussion of this matter in all its bearings; so that, whatever their resolution might be, which he would not anticipate, it should be seen that it was the effect, not of prejudice, but of deliberate judgment and conviction. He would attend the progress of this measure in Committee, not however, so much with the intention of offering any suggestions of Amendments, as of profiting by the suggestions and experience of those other noble Lords upon whose patience he had unwarrantably trespassed.

The Earl of *Falmouth* felt it to be his duty to support the Amendment which had been moved by his noble Friend. Whatever might be the course which had been pursued by an hon. Baronet in another place, he (Lord Falmouth) was not bound by it, but was free to pursue the dictates of his own conscience. When he looked back at the events of the last few years, it did not appear to him that they were at all calculated to induce him to believe that he was erroneous in the view which he took of the present Bill. Had the measures which Parliament had adopted tended to allay the discontents or improve the interests and prosperity of the country. No; nor was any such result to be hoped for, while the existing system of violence and agitation continued. In his opinion therefore, their Lordships ought to make a stand where they were; and to maintain the principles which they know to be the only basis of all good government. He had heard with admiration the three hours' speech, the other night, of the noble and learned Lord opposite; and all that he regretted was, that that noble and learned Lord's talents had not been better employed. Did that noble and learned Lord show that any existing evils had been put an end to by the Reform Bill? No, his declamation had been that of a partisan rather than that of a patriot. The noble and learned Lord had adduced no single fact to show that the Reform Bill was the panacea which he called it. Now was not the present Bill calculated to increase the discontent and agitation which at present existed? The aim of all good government was the contentment of the people. Every line of the present measure, however, was calculated to excite discontent and to give a power to certain classes of the people which they did not know how, wisely, to use. As to the Commission, he denied that it was a legal one. Its illegality had been declared by some of the highest authorities on the subject. Their Lordships had heard evidence at the Bar. Were they not perfectly convinced by that evidence that the Report was the production of partisans, of persons biassed beforehand, and determined to fashion their report in conformity to that bias. He was persuaded that if the whole assembled English nation could have heard that evidence, their verdict would have been that it was a prejudiced and an untrue Report. It had been sworn at their Lordships' Bar that a great deal of the matter contained in the Report had never come out in the public examination and must therefore have been obtained from private sources. The noble Viscount had said that the people were in favour of the Bill. He had been told that two letters had been sent to Weymouth, franked by Lord John Russell, and addressed to a notorious Radical there, in consequence of which a public meeting had been called, and of course a petition in favour of the Bill agreed to. It was curious that no petitions had been addressed to the House of Commons; but they had been addressed to the House of Lords, just in the nick of time, before the commitment of the Bill. When the noble Viscount spoke of the people, did he mean to say that the great body of educated persons in the country held that the Corporations were a great mass of corruption? He (Lord Falmouth) firmly believed that if the opinions of the middle and educated classes of the people had ever been hostile to the continued existence of the Corporations, those opinions had been completely altered by their Lordships' proceedings; and that they were now convinced that a case had been made out at their Lordships' Bar which, until contradicted, was conclusive in favour of the Corporations. The witnesses were all respectable men; they had given their testimony on oath, they had been subjected to a severe cross-examination; and not a single disproof of their original evidence had been elicited from them. The noble Viscount said that the people entertained jealousy and distrust of the Corporations. Was that jealousy and distrust natural and spontaneous? Only three or four years ago, the people in the district in which he lived were quite contented with the Corporation system; until certain gentlemen came among them, and persuaded them that their best friends were their worst enemies. But did it follow that such was the case? It was the same with written pamphlets. Did it follow that because a Mr. Isaac Tomkins (who was not known to anybody), or a Mr. Peter Jenkins (who was equally unknown) chose to be not only jealous of the hereditary peerage, but to abuse it, and to advise its destruction, that their Lordships should pass a Bill, if it were to be brought before them from the House of Commons, providing that in future the peerage should be elective—not hereditary? The Bill now before them, and such a Bill as he had alluded to, appeared to him to be strictly parallel cases. He saw no reason why, if their Lordships passed the present Bill, some Member of the House of Commons might not get up and propose a measure to abolish the House of Lords. What were their Lordships' patents more than the charters of the Corporations? The latter were the more ancient. In his opinion there was not a tittle of value belonging to the one which did not belong to the other. If the present Bill were agreed to, it would be a precedent for a proposition next Session in the other House, a "final measure" for putting an end to the hereditary peerage. An Illustrious Duke had just told him that such a proposition had actually been announced; and now he (Lord Falmouth) recollected that it had been so. The noble Viscount had refused to produce the instructions to the Commissioners, their Minute-book, and in short, all the information which he could withhold. The Corporations, on the contrary, had brought all their books and other documents to the Bar; and what had been the result? To disprove all the charges which had been brought against them. All human institutions must necessarily be imperfect; but it was evident that the existing Corporations were as efficient instruments for the well-governing of the towns to which they belonged as could be imagined. The question was, whether those towns were peaceable and prosperous? If so, why were their Lordships to adopt the violent changes proposed to them, because certain persons who had objects of their own recommended those changes? Nothing but a sense of duty could have induced him to address their Lordships on the occasion. He thanked them for the attention with which they had listened to him; and he thanked them the more, because he had reason to believe that the course which he intended to take would be negatived by a large majority. It was his intention to oppose the commitment of the Bill. He had prepared certain Resolutions, specifying the reasons why the House ought not to agree to the Bill. But as a noble Duke had moved an Amendment to the Motion for going into the Committee, he should content himself, for the present, with supporting that Amendment, and would defer moving his Resolutions until another opportunity, if any such should present itself.

The Duke of *Wellington* said,—I am opposed to the course of my noble Friends who intend to vote against the commitment of the Bill, yet I respect the course they pursue and the reasons they offer. I object to the principle and I object to many parts of the Bill. I think that the Bill should have had the consent of his Majesty at an early stage of its progress. The King was the founder of these Corporations, and he was visitor, competent to investigate the administration of their funds. I consider his Majesty should have given his consent to the measure before the enactment of the first clause. My Lords, I besides object to this measure, because it does not adequately, in my opinion, secure existing rights and privileges—because it does not secure the rights of property—because it does not secure the rights of individuals appointed for the term of their lives to situations under the existing charters—and lastly, because it does not secure the privileges granted to freemen under existing Acts of Parliament. For all these reasons I object to the Bill, although I certainly shall vote for going into Committee upon it, with the intention of amending, as far as possible, those parts of the measure which I think are defective. Besides, my Lords, I object strongly to those portions of the Bill which go to the establishment of a system by which persons may be elected to high and important situations in Corporations—I mean to such situations as those of Magistrates and administrators of borough affairs—who have no adequate qualification for such a trust. I object to persons having the management of parish affairs who are irresponsible for their proper direction; and I object to individuals being allowed to administer to Church patronage who are utterly without qualification for such a duty. These are points, my Lords, which require your attention—your gravest consideration—and should we decide upon going into committee I pledge myself that, as far as an individual Member of this House is concered, they shall meet with both. I do not, I repeat, approve of the principle of this measure, but I am one of those who admit that it is necessary the House should enter upon its consideration with a view to the final and effectual removal of the evils complained of, and in some instances justly complained of, in the existing corporate system. That no Reform is requisite I am not prepared to maintain. In the first place, though I confess there appears to me little in this Report against the Corporations—indeed, I must say that, considering the great antiquity of many of these establishments, and considering all the purposes to which they have been from time to time required to apply their attention, I am truly astonished to find in this Report so little against them as there is. I cannot avoid seeing that many of these institutions have become utterly useless and inoperative, that many others require material amendment, while there are only some few which, with any advantage to the public, might be let alone altogether. To properly discriminate between these several classes, and to see that alteration is not made where alteration will not improve, or change attempted where change will not amend, will be my earnest object when the Bill is in the Committee; and I entertain no doubt that it is perfectly competent for us, holding in sight such an object, to send forth to the public a measure of real benefit and advantage. My Lords, the noble Viscount who opened the debate this evening was pleased to advert to the evidence which was produced at the Bar, in respect to the proceedings of the Corporation Commissioners, and to express his opinion that that evidence might as well have been omitted altogether. Now, I do not intend to follow the noble Viscount into a discussion upon that evidence, nor to detain your Lordships with any opinions regarding its utility or inutility. I have nothing whatever to do with it, for in no way does it interfere with my opinion regarding the Commission itself. My Lords, I object to that Commission. I believe that Commission to be an illegal one. Indeed, my Lords, I think the noble and learned Lord who issued it, is himself of my opinion, for on the last night of the discussion upon this subject he, unless I am much mistaken, admitted that the introduction of the word "deeds" into its body rendered it an illegal Commission.

Lord *Brougham:* I never did. What I said upon the subject of "deeds" applied to the former, and not to the present Commission.

The Duke of *Wellington*:—But the word "deeds" does certainly apply to this Commission, and therefore I think I am justified in applying what the noble and learned Lord said respecting it to the present as well as to the former document. But, my Lords, I must go farther—I must say that not only was the Commission in my opinion an illegal one, but that it was evidently and undeniably a party and partial Commission. Persons constituting a Commission were employed upon a great public service, and it was of the deepest and most paramount importance that in their selection care was taken that they were impartial and unbiassed in their opinions, and men likely to make a Report upon the evidence brought before them, and not upon preconceived notions either of their own, or those who, as Ministers of the Crown for the time being, gave them employment. Now, my Lords, when we come to inquire whether, in the selection of the Commissioners under our notice, attention was had to these points, I ask you, without hesitation, what is the result? Can there be a doubt, even for a moment, that they were not both party and partial Commissioners, or that the Report which they framed was not both a party and partial Report? In proof of this assertion there is one point on which I would entreat your Lordships to reflect for a moment. Did these Commissioners report the evidence upon which they alleged their Report was founded. Not one word of it. That which they reported was their own opinions, supposed to be originated in the evidence they adduced; but whether they were so or not their Lordships were not in a situation to judge. The Commissioners, it is admitted, took down evidence; and I should much like to know why, if taken, it is not reported, and not recorded. My Lords, I will take upon myself to say why it was not reported. It was because, if reported, it would not have borne out the Report which it was desired should be concocted. Would it have been more troublesome to the Commissioners to have reported the evidence as taken down, and instead of giving their opinions allowed your Lordships to form a judgment upon it? No; but to have done that would not have suited their purpose. If the evidence had been reported, the state of the case would not have appeared as it now did in the face of the Report; and therefore and on that account alone, was it determined to suppress it. But, my Lords, there is another circumstance connected with this Report which is very remarkable, and that is the opinion and protest of Sir Francis Palgrave. Sir Francis Palgrave not only transmitted his protest to Government, but in a separate Report stated his objections to the general Report of the Commissioners. Why then, let me ask, was it that the Commissioners, knowing as they did that the opinions of Sir Francis Palgrave were at variance with those they had expressed, did not set forth even so much of the evidence as was calculated to bear out their opinions as against his? Have they done so in any one case? Not in any one instance did they state the evidence which, in their opinion, justified their Report. For all these reasons, I confess I consider the five folio volumes before me as worth just so much waste paper,—and I shall be much surprised if the majority of your Lordships were to treat them in any other light. I have already said I am prepared to go into the Committee; but if I do so it must be under the painful conviction that we are proceeding upon partial party reports, and that before so doing we ought to have read the evidence on which these reports are alleged to be founded. My Lords, I say, then, I am going into this Committee with a sincere desire so to amend the Bill that, while making it a generally beneficial and useful measure, we shall so revise and reform it as to meet those peculiar circumstances which appear to me to require amendment and attention. My noble Friend who preceded me appears to think that there is no evidence of dissatisfaction on the part of the people of England to the existing system of corporation management. Why, I cannot say that I have myself any evidence of the existence of such a dissatisfaction; but, at the same time, I cannot possibly close my eyes to the great change which within the last few years has taken place in the general aspect of society. I cannot conceal from myself that in the course of a very few years the people of this realm have advanced greatly in riches, in knowledge, and in luxury, and that in proportion to that advance it is natural they should wish to have participation in the administration of Government. Such being the case I am not prepared to agree with my noble Friend in saying that there is no desire entertained by the people of England that their Corporations should be thrown open to them, and I am consequently, disposed to consider whether the establishment of a municipal system in this country, founded, in the first place, on the free election of those to whom the administration of corporate matters shall be confided—founded, likewise on a very liberal basis of qualification, and with every view to render it such a system as will really carry into execution the object of this measure, namely that of giving to the people who inhabit our large towns a fair participation in their Government, might not be a measure as well of sound policy as of expediency. I confess, likewise, that there is another circumstance which induces me to consider a Reform in the Administration of the large towns at this moment as most essential to the interests of the country. There is scarcely one of these towns in which some trust does not exist for the performance of some duties which regularly belong to the administration of a town. In some places there is a trust for the administration of police, in others for paving, lighting, and watering, and in all these trusts are to be found real evasions of the original rights of the Corporations. In some of the original Charters it was not thought expedient to give to the Corporations a power of rating the inhabitants for the improvement of the town, and when, as in the case of Bath, Liverpool, and other large towns, the necessity of such a rate was felt, a trust was created which was not originally contemplated in the Charter. Seeing this to be the case, it appears to me expedient to proceed a step further, and to establish a municipal system upon a principle which will be satisfactory to all. Under all these circumstances, it is my wish to go into Committee upon this Bill, sincerely desiring to amend it, so as to establish a system of government in the corporate towns which will be satisfactory to the inhabitants, and at the same time secure all those great objects which I mentioned at the commencement of my address to your Lordships,—namely, the rights of the Crown, the privileges of the people, of the officers of the Corporations, and of all who are entitled to any participation in the Corporation Funds.

The Duke of *Cumberland* said, that he did not mean to detain the House more than a few minutes, in explaining the line of conduct which he meant to take. If the declaration of his noble Friend (the Duke of Newcastle,) to whom he entertained feelings of sincere friendship, and who never acted but on honourable and conscientious views, should be followed up by pressing the House to a division, he for one could not give him his vote. But there was much in the principle of the Bill to which he was as much opposed as either of the noble Lords who supported the amendment, because he felt that it was an encroachment on the rights and privileges of the people and on chartered rights, for which he for one would constantly stand up. After what had fallen from another noble Friend of his (the Duke of Wellington,) who had expressed all his opinions and views respecting the measure, it only remained for him to say that he should certainly give the measure his most serious attention, and he hoped and trusted that when the Bill was read a third time, he should be in a situation to give it his hearty consent. He was only anxious to say this much that he might not be charged with holding one description of language at one time, and a different language at another. His excuse for trespassing on their Lordships' time, was that his character might stand clearly and fairly before the House.

Lord *Brougham*[*]: I do not mean on this occasion to enter at length into the general subject now before your Lordships. I have already had an opportunity of expressing my opinion upon the principles of the measure as well as upon several of the main features of the Bill, and the motion for going into Committee appears not likely to meet with any very formidable opposition on the part of the House: I should not, therefore, feel myself at liberty to trespass upon your Lordships' patience, however much it may gratify the noble Earl (Falmouth,) who says he is delighted to hear me speak, and who nevertheless imagined that I had spoken about an hour longer than I really did—which looked as if he had been less pleased than he was willing to own; but I won't quarrel with him for that, I will only express my feelings in my turn, and assure the noble Earl, that although he has this night, by the clock, talked an hour and a half or somewhere thereabouts, to me it seems as if he had not spoken for five minutes. But, my Lords, the matter to which I wish to call your attention is neither the principle of the Bill, nor its details, nor its general features, on all of which, as I said, I have before addressed you at large; but I must express some little surprise, and I hope I may be allowed to say, without any great impropriety of expression, some apprehension which weighs upon my mind, and which I in vain endeavour to stifle, in consequence of the course which is about to be taken by one or two noble Lords, and by one illustrious Prince upon this occasion; for although I am delighted to find that I shall have an opportunity of giving my vote with them to-night, though I feel that theirs must be a valuable acquisition of strength to the promoters of this measure, and though the result of it will be the sending the Bill into Committee, yet I cannot help just pausing for a moment to consider the grounds upon which that accession of force is given to us, and the ample declaration of hostility to the measure with which the promised aid is accompanied. The support of the noble Duke (Wellington) at this or at any stage of the Bill, I should deem admirably calculated to meet the wishes of the advocates of the Bill, if I could only see any reason to expect that it would extend beyond this stage of the process; that it would attend us through the Committee, and would remain with us to the third reading; but instead of that, we are told that these our supporters are against the whole principle of the measure, and therefore one naturally asks, for what do they go into the Committee? Is it to examine and discuss the details? [Several *noble Lords*: "Hear, hear!"] I have heard, but hearing, I do not understand. I can easily comprehend how any noble Lord who agrees with me upon the principle of the Bill should differ with me upon its details, holding either that some of them go too far or that there are others which do not come up to the principle in which he concurs. This is intelligible, and consistent with the ordinary course of proceeding in parliamentary discussions; but the noble Earl (Mansfield) says that he totally dissents from the principle; he abhors it in all its views; he considers the Commission to have been illegal, and the whole inquiry void; he thinks that in the execution of their task the Commissioners were unjust, partial, and oppressive, and that their Reports are of no more value than so much waste paper—an opinion in which the noble Duke concurs. Then, say they, the Bill is founded upon these Reports; this my noble Friend (Lord Melbourne) denies as a general proposition; but, as it must be admitted that in some part such is the case, in the opinions of those noble Lords opposite the whole Bill must be equal in value to waste paper, and the groundwork of the fabric, in whole or in part, being unsound, the measure itself must be rotten. Then we are told that no one of the charges brought forward against the Corporations has been borne out in proof; that all the Report and the preamble said about neglect and abuse is groundless. This is a measure of spoliation, says one noble Lord; it is utterly iniquitous, says another; it is fraught with injustice in every part, exclaims a third; and all of them, after thus quavering their separate notes against the Bill, join in the chorus of injustice, iniquity, falsehood, and rottenness, both in the measure, and in the whole proceedings connected with it; and then instantly they come as it were *per saltem* o the determination of not throwing out so execrable a measure at once, but of voting for going into Committee, that the details of what they so heartily disapprove may be minutely discussed. But, my Lords, it may be said I ought to be thankful for this mercy, small though it be, and not to quarrel with those who thus far are friendly to the progress of the measure. Then I will not conceal from you, that I cannot help regarding the conduct of the noble Duke (Newcastle) and the noble Earl (Falmouth) at the Table, in point of consistency, by much the more praiseworthy. Theirs is, at all events, a perfectly plain and intelligible course. They disapprove the whole measure, like the noble Duke and noble Earl (Wellington and Mansfield,) and therefore they vote against the second reading. But I may be told I ought not to be so nice, and that I should accept the hostile Committee as a boon in preference to the worse calamity—the throwing out of the Bill at once; and this makes me for one moment pause to compare the two evils. The one is the infliction of instant death—the other of slow lingering death, by continued pain and gradual exhaustion, by wearing down this great measure till it shall be reduced to the shadow of what it once was—till hardly a skeleton of its pristine form shall be left—till its own parents shall hardly know it, altered and mutilated in every part by the formidable force here, and here alone, arrayed against it. That is the alternative offered us, for rejecting which I am called nice—for not bursting forth in strains of rapture, and not gratefully acknowledging it as a boon! Than the illustrious Duke (Cumberland) I must say I never knew, generally speaking, a more fair, open, above-board antagonist; and knowing therefore his strong opinions on this and all similar questions, I certainly expected to have found him supporting the proposition of the noble Duke (Newcastle) and the noble Earl at the Table (Falmouth). "But no," he says, "I dislike the principle as much as you; I think nothing can justify it; I hold you ought not to proceed in this course; this is not the way to go; here is a Bill for reforming 185 Corporations by one general sweeping measure, instead of which we should take them piece-meal, and proceed by 185 different bills, regularly, separately, slowly—so slowly that perhaps 185 Sessions of Parliament shall be required to get through them:"—a consistent and intelligible course enough, no doubt; but then how can you go into Committee upon such a sweeping Bill, if that is your opinion?

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[*] From a corrected Report published by Ridgway.

The Duke of *Cumberland:* My Lords, I wish to say a few words in explanation. I merely said, if we came to a division, I should not vote with the noble Duke (Newcastle) and the noble Earl (Falmouth), but I never said, and for the reason I then gave, that I would vote for the Committee. I should not vote for the Committee, if your Lordships came to a division on that Question. I should retire altogether; but at the same time, when the Committee does meet, every part of the Bill which I can honestly and conscientiously support shall receive my best and most attentive consideration. This, my Lords, is what I shall do, and it is the course which I have always pursued in your Lordships' House.

Lord *Brougham:* I understood the illustrious Duke (Cumberland) to say, that he would not give his vote to the noble Duke (Newcastle), but vote for the Committee. [The Duke of *Cumberland*: I shall vote neither the one way nor the other.] God forbid that anything I have said should prevent the illustrious Prince from voting against the noble Duke (Newcastle); certainly I was not prepared for such a course—so very unlike the usual determined line of the illustrious Duke. I certainly expected that he would at once have voted one way or the other. Really it is a most extraordinary conclusion to arrive at from such premises—"I disapprove of this Bill, and therefore I will vote for the Committee"—and then, when I was staggered, bewildered, by such a proposition, I receive, by way of comfort, and as a help towards getting me out of the difficulty, an assurance—"Oh, I don't mean to vote for the Committee—I only mean to say, that I will not vote against it, because I disapprove of the whole matter." My Lords, I cannot help thinking that all this holds out a most melancholy prospect to the friends of the Bill, and to the country—a cruel disappointment to those who feel so anxiously, so deeply, and, I will say, so universally, all over the kingdom, in favour of this great measure. For what have we to expect from this announcement, but that those who are against the whole measure in its principle and groundwork will exert themselves to alter its whole frame and all its vital parts in the detail? How much of those parts and of that frame-work can we reasonably expect the labours of such a Committee will leave standing, when those same persons, who say, "let us go thither in order to discuss it," tell you that they abhor the whole of it as a scheme of iniquity and spoliation? Can we expect one stone of its goodly fabric to remain standing on another, under the hands of those who hate it, and, like the noble Duke, would batter it down, or, like the illustrious Duke (Cumberland), would retire from it, lest its falling ruins should overwhelm them—of those who, detesting, abhorring, distrusting, its authors—still more distrusting the Commissioners whom its authors appointed—hating the whole and every part of it, seeing no one fragment of it that ought to remain, are nevertheless prepared to go into Committee, in order to deal with it? How, in God's name! to deal with it, but to blast it to pieces, and leave not even the semblance of what it now is? I may be disappointed—I have been most agreeably disappointed on one point—the hearing of evidence. I firmly believed, as did a large portion of your Lordships, that when Counsel were called in to be heard at the Bar, and still more when it was resolved to have evidence, the necessary effect would have been to protract the inquiry beyond all bounds; instead of that, however, I think the evidence only lasted somewhere about five days. That I am bound, in justice, to admit, contrary to my expectations, and contrary to the record of my apprehensions which I placed at the time on your Lordships' Journals; and I am also bound to admit, which I do in fairness to those with whom I communicated in the early part of the evidence, that no change could have been effected by anything said, either here or elsewhere, respecting our proceedings; for, before a word was said on the subject, the day and almost the hour when evidence was to be closed, were calculated as early as Tuesday morning, by my noble and learned Friend (Lyndhurst). ["*Hear, hear,*" *from Lord Lyndhurst.*] In that respect, therefore, I was agreeably disappointed—but I am much mistaken indeed if the Bill, on leaving the Committee, be not so damaged, so mutilated, with so much that is important and beneficial struck out—so much that is noxious and alien to its principles introduced, and on so ample a scale of alteration—that its authors and those abettors who have sent it up to this House will be unable to recognize their own handywork. My

Lords, I could not, in justice to my own feelings, which are naturally very strong upon this subject, after what has just taken place, have refrained from making these few observations. And now, exhausted as I am with the fatigues of last night, and our long sittings of late (for though we generally have five months with nothing to do, so that the idlest of human beings could not have been burthened with our labour, yet the last five weeks of the Session we have had so much on our hands, that the best workman, the most laborious of mankind, might well sink under the burthen—some change must really be made in this system, or it is a mere joke to suppose that we can fully discuss the important measures which, at the end of the Session, are all in a heap, for the first time, submitted to us; but the difficulty is not so much to perceive the mischief as to find out the remedy—perhaps if some mitigation of the strict forms of the other House permitted certain Bills to be originated in this place, our labour might be more equally and satisfactorily distributed over the period of our sitting)—exhausted, I say, as I am with the fatigues incident to this period of our protracted sittings, I am anxious only for a moment to make one or two general observations upon the subject matter under your Lordships' consideration. I don't mean to argue the case on its principle, being perfectly satisfied to leave it on the grounds on which I formerly rested it. I wish, however, for a moment to take notice of the opinion expressed by a noble Earl (Mansfield), with respect to the legality of the Commission. He totally mistakes in fancying that the Commission is illegal, because a power was inserted in it which the law would not bear out the Commissioners in executing, if it had been resisted. "You admit," he said, "that your Commission, if resisted, had no power of compelling parties to come forward and give evidence." And this he seems to think decisive against the Commission. Now, your Lordships will permit me to say, that if on this ground we fall under the reprobation of the noble Earl, we bear that weight, which I admit to be heavy, only rateably, share and share alike with about twenty or thirty other Governments, in all the reigns of this country since the Revolution of 1688. Since 1820 there have been fifty such Commissions. But to go back only five years, what, on that principle, becomes of the Irish Church Commission of 1830? If a Commissioner in that case had called on the holder of any benefice, and demanded, "How much do you allow your Curate? Do you give him what the Act requires? Do you violate the Stipendiary Curate's Act, or do you not?" Had he the power of compelling the party to answer any such questions? Nobody even dreamt of such a thing. If the parson said, "I will not come to you—you have no right to send for me—I do not recognise your authority"—what would have been the result? The Commissioners had no power to enforce their authority; and if the parson came, and hearing the question, turned his back, snapped his fingers in their face, and walked away—the Commissioners were remedyless and helpless. What then is the difference between that Commission and the present? In fact those Commissions were resisted in nine or ten cases. Lord Guildford and some half-dozen more refused to answer under the English Commission; the Irish parsons, to the same amount, refused to answer under the Irish—and an appeal was published by one clergyman, calling on his reverend brethren to resist the authority of the Commissioners. A controversy continually existed in both cases; the Commissions were in both resisted. But, although those who refused to give evidence were blameless, and the power of the Crown was with absolute impunity set at nought, the legality of the Commissions was never for a moment questioned. Then Mr. Pitt's celebrated Commission of Naval Revision, was also without authority. [A *Noble Lord:* There was an Act.] I speak not of Lord St. Vincent's inquiry, a much more drastic measure, and one under parliamentary authority. Mr. Pitt's being less vigorous, and therefore less opposed by those who fattened upon abuse, had no such sanction. It was couched in exactly the same words with the present Commission. As to the introduction of the word "deed," the argument drawn from it is one of the greatest hallucinations I ever heard of; because without it the words "all papers, writings, and documents," surely included "deed," which is a "paper," "writing," or "document." But I formerly demonstrated the legality of the Commission, and now the Question rather is as to the conduct of the inquiry. Upon that subject I wish to make a few observations. They shall be of a general and compendious kind, chiefly that I may avoid going into the details of the evidence; and they shall be as short as the justice due to the accused parties, the Commissioners, will allow me to make them.

I will just suppose the case of a defendant, who, having lost his action with his neighbour, comes to your Lordships and says, " Never was there such a Judge—Heaven save me from twelve such Jurors! let me only come before you, and I will explain it all away—the prosecutor had no case—my attorney was bribed by the other party—my witnesses were corrupted or swayed by personal motives of spleen and spite—and my Counsel did not do his duty; the Judge was partial—the Jury was ignorant—the whole trial was an iniquity—a farce—a mockery of justice." Such representations are heard every day in Westminster Hall; the whole air of all the Courts is filled with them, and they pass perfectly innocuous over our heads, who are used to them, or if they descend lower, if they penetrate at all, it is to go in at one ear and out at the other, making no impression at all on any man of ordinary understanding. But suppose they were to make an impression on your Lordships, and you were to say—" Oh, this is a poor injured man—an excellent Conservative—he has been extremely ill-used—let him be brought to the Bar, it will be a comfort to so worthy an Alderman, a man of such sound principles, to be allowed to tell his own story, and produce witnesses and have Counsel to bawl against the Judge and Jury for about twelve hours and a half, applying to them every term of abuse which our language can furnish, together with a good number of terms which neither our own language nor any other does afford, and all the metaphors which can be provided by the kind of motley imagination that gives existence to patchwork." Suppose this proposal is acceded to, for hearing his own story after the witnesses had sworn against him, and the Judge and Jury decided against him; and you, accordingly, proceed to hear his story, told by himself, and supported by the witnesses whom he had called at the trial, and whom the Judge and Jury had disbelieved. You hear all the evidence on one side, and on one side only, not even taking the precaution which I heard to-night that a Lord-lieutenant of Ireland is bound to take before exercising the mercy of the Crown, that of sending to the Judge who tried the cause, and hearing what he has to say, and what the reasons were which produced the conviction—without any such precaution—without making any communication at all to the Judge—and with nothing received from him by way of explanation—for I regard a short and general letter written by two Commissioners out of twenty as nothing—

Lord *Lyndhurst:* We have not the evidence taken before the Commissioners, we applied for it, but it was not produced. It is no fault of ours.

Lord *Brougham:* We have allowed the Commissioners to be attacked, but not to vindicate themselves. Unwarned, unsummoned, unheard, undefended, not even furnished with a statement of the charge against them, they are to be pronounced guilty of unfairness, partiality, faction, and almost of corruption, and we are to set at nought the verdict and judgment pronounced by those who heard the evidence. So much, my Lords, to warn you against being led away by that most dangerous of all modes of inquiry, an *ex parte* statement directed against individuals in their absence—an appeal against a decision by one of the parties in the absence of the other, and of the Judge who gave it. I say these Commissioners did not proceed *ex parte*—there is not a tittle of evidence to charge them with it. They come to a town; they advertise their sittings; their sittings are public; they never hold one meeting in a private room; all mankind has access to their tribunal, and they never refuse to hear one witness, or one score of witnesses, brought forward by the Corporations; though they are now accused by speeches made against them, sometimes by honest, fair, legitimate speeches at the Bar, and at other times by speeches in the form of questions, of which I cannot express too strongly my reprobation, let it offend whom it may. These Commissioners, thus attacked in every way, and always in their absence, come to your Lordships and complain of what is done—they tender explanations—they offer you evidence—they call upon you to hear them—they only say, strike, but hear first—decide, but not before our defence is made—and your Lordships, pursuing a conduct far different from that which they pursued, who threw their doors open to all parties, and courted all sides to come forward, will not even hear those Commissioners whom yet you are prepared to condemn. I am not making this a subject of complaint against your Lordships. I was the first to say, do not hear them; but I pray you attend to the argument; do not behave in this childish, and I was going to say womanish manner of running away with a word, and not hearing the reason, or stopping to understand the thing. The argument is strict and correct. I am ready now for argument's sake to tender myself as the only person who advised that the Commissioners should not be heard. Your Lordships, I have no doubt, would have given me a very ready support if I had said "hear them;" and if their case had occupied six weeks and the reply consumed six weeks more, I should have expected from the enemies of the Bill a still more ready concurrence. I must needs give noble Lords opposite some credit for sincerity and consistency; and if this measure be so objectionable as they describe it, they would think themselves justified in using any means, even of delay, in order to stay the evil, or finally arrest it, by waiting till the country came to its senses, and awoke from the delusion which they now ascribe to it, as resulting from the excitement used to lead men's minds astray. But I want this Bill to pass; I was determined not to play into the hands of its enemies; and therefore I was reduced to this most painful of all alternatives, either to sacrifice the measure or work grievous injustice upon these honourable men. That is my argument. I hope that you understand it now. Granting that the refusal to hear the Commissioners was the act of the whole House, and not of a party, and that I myself, placed under the pressure of a hard, harsh, cruel necessity, was forced to take my choice between either losing the Bill and doing justice to these men, or carrying the Bill and doing them the greatest injustice—still the choice is made—and the injustice perpetrated—and the Commissioners are accused and they are unheard. Then I defy any man living to dispute either the truth of the statement, or to resist the justice of the conclusion. Whatever the necessity may have been that extorted this half measure of injustice to those Commissioners, you have done it—you have not heard them—you have heard their enemies behind their backs—and therefore I say you are bound as honourable men—you are bound as honest men—you are bound as Christian men—as men of ordinary charity and justice you are bound, to give the fairest, the most candid, and most liberal construction to the whole conduct of those whom you have felt yourselves forced to place in such unhappy, aye, such unheard of circumstances. Let me now only remind you of the manner in which some of those charges were brought against the Commissioners. There was one constant course pursued, which must have misled many of your Lordships. It was this:—The Counsel took up the Report and said, "I find the following passage in such a page." Now that he safely might do, because, perhaps there were only two or three of your Lordships furnished with the book in the House at the time. "I find the following passage, in such a page," said the Counsel to the witness; "Is that true, or is it false? Is it a fair or an unfair representation?" Sometimes it was asked, "Is that an honest statement?" Sometimes, "Is it scandalously false?" One recoils with amazement and indignation from such an examination. I have known, to be sure, at trials for felony, when Counsel were not allowed to address the jury, a speech thrown into the form of a question; but when advocates had addressed the Court for twelve hours and a half—when they had exhausted all their powers of speech, and poured out more than the vocabulary of our language affords in attacking these Commissioners and their Report, such a course was altogether without justification or excuse.

"Is this a fair and an honest account of what passed?" says one learned Counsel; and at first the witness's answer, though it did not adopt the invidious expression, was quite consistent with the witness's meaning to affirm it. But when I asked him if he meant to charge the Commissioners with dishonesty, he said, "Very far from it." "Did not the Commissioners tell this scandalous falsehood?" cries another learned Counsel. Again an equivocal answer from the witness, who, when pressed by my noble Friend (Lord Radnor) or myself, said, "God forbid I should impute any such thing!" And strange to tell, both the learned Counsel, upon their witnesses thus refusing to adopt those odious charges, one after another denied that they meant the offensive imputation,—denied that the contrary of honest meant dishonest—denied that falsehood meant wilful breach of truth,—nay, even that the addition of "scandalous," which one should have thought was made for no other purpose than to distinguish moral from logical falsehood, gave to the phrase an invidious sense! Yet these Counsel I know to be as honourable men as any in the profession. But to such shifts, such desperate expedients, does the zeal of advocates and the instigations of interested clients, drive men in a case like this.

But how was the inquiry further carried on? A charge of extravagant expenditure was to be met by a Corporation (that of Sutton Colefield), and, said the learned Counsel, with an air of triumph, "Was the management of the Corporation funds regulated by a decree of the Court of Chancery?" "To be sure it was." "When was it passed?" "In such a year." "Then it was not voluntary to spend the money so?" "Not at all." "You mean to say" (for one answer, or even two or three never satisfied them) "it was under a decree of the High Court of Chancery, and you are obliged, whether you will or no, to spend the money so?" said the complacent Counsel.—"Yes," said the willing witness. Now what was the conclusion intended to be drawn from this? To what did all this triumphant colloquy of the gentleman with his only witness lead? Neither more nor less than this, that the Commissioners had charged the Corporation with a lavish expenditure, with extravagance, if not with embezzlement, and had suppressed the fact that it was all carried on under a decree of the Court of Chancery; and I venture to assert, your Lordships, who heard the examination, believe firmly, up to this hour, that the Commissioners had suppressed all mention of the decree. But no such thing. Look at the Report of the Commissioners, and you will find that this decree of the Court of Chancery stands in the front of it, stated as distinctly by the Commissioners as by the learned Counsel, or by his witness in the examination. My Lords, I do not wish to occupy your time with these things; I have half-a-dozen cases before me of the same kind. We were at last obliged to stop the witnesses who bore their part in scenes thus got up, and ask whether the Report did not state the very thing they were triumphantly detailing, when, in that awkward manner, and with the sheepishness of visage which even experienced and zealous Town-Clerks can sometimes put on, they acknowledged that it did. Such is a specimen of the sort of manœuvre to which the learned Counsel resorted. But not the only manœuvre. Another was far more notable. Witnesses were prevailed upon to swear that the Report was incorrect and false, by Counsel affecting to read, as part of the Report, that which is not part of it at all, and by stating that to be omitted from the Report which lay before them staring them in the face. There are no fewer than three cases of this description with respect to Coventry alone.

The witness was addressed in the following words by the learned Counsel at the Bar:—"I see it is stated in a paper I have before me (the Report of the Commissioners), that 'neither the parish of St. Michael nor the other parish mentioned as forming part of the county of the city, are at all connected with the town; they are inhabited by an exclusively rural population;' is that true?" To which the answer was, that "A very large proportion of the parish of St. Michael is within the city, a large proportion of the parish of the Holy Trinity is also within the city, and there is a smaller parish of St. John the Baptist also within." Well, to be sure, this seems a very positive contradiction, and doubtless your Lordships must have been of opinion that a Report filled with such gross inaccuracies as that just read from it by the learned Counsel, was totally unworthy your consideration. You see the contradiction is direct. The Report (as read by the learned Counsel) says, that the parish of St. Michael is not in the city, and that it is inhabited by an exclusively rural population, and the witness says, "that is not true," for a large proportion of St. Michael is in the city. Nothing can be plainer, and the Report is not to be trusted, if this evidence is to be believed. Probably it did not occur to any of your Lordships just to turn to the page of the Report cited, and to follow the Counsel while he read, or pretended to read from it, for the purpose of administering the contradiction. Of course you would take for granted that the passage which he made as if he read from the Report, really is to be found there, and consequently that there is no further room for doubt upon the subject. But what is the fact? I have here the Report before me, and surely your Lordships will share my astonishment on finding not only that the Report does not contain the passage which the Counsel pretended to read from it, for the purpose of asking the witness whether or not it was true, but that it contains the direct contrary; in short, that the statements of the Commissioner and the witness absolutely agree, and that if the Counsel had read the Report correctly, the witness must necessarily have confirmed instead of impeaching it. Your Lordships will remember the passage as quoted by the Counsel, which I have just repeated from the printed evidence. Now here is the passage in the Report itself, page 1795, "The limits of the city and suburbs comprehend the parishes of the Holy Trinity and St. Michael in Coventry," with certain exceptions. Then a little lower down the page, "The limits of the county of the city comprehend, in addition to the city and suburbs, the parishes of Foleshill, Exhall, Anstey, Stoke, Stivichall, the greater part of Sowe, and a small part of Shilton. The limits of the city, as above described, comprehend the whole of the town. They comprehend also some land which belongs to the parish of St. Michael, but is detached from the main portion of it. Neither this outlying part of the city, nor the other parishes mentioned as forming part of the county of the city, are at all connected with the town."

Now compare that with what the witness says. He says a very large proportion of St. Michael and the Holy Trinity is in the city. What does the Report say? Trinity and St. Michael are within the city, with some exceptions which are afterwards particularized. Then it is not the parish of St. Michael, but the detached part of St. Michael, which the Report says is not in the city, and the other parishes referred to are clearly Foleshill, Exhall, and the rest of them. Now what do your Lordships think of this sample of the bale? It may, perhaps, be said that after all this is a matter of secondary importance, and whether the Report is proved to be right or wrong is of little consequence. But your Lordships will remember that Counsel thought it worth while to show, in the best manner he could, that it was wrong, and it is quite certain that the matter is one of serious moment in the controversy. This is one of the most direct instances brought forward among the very few attempted to sustain the very strong and very sweeping allegations of falsehood and inaccuracy made at the Bar. Your Lordships cannot doubt that the Counsel brought forward the most striking cases they had to prove—this is one of them, and you see now, that in order to impugn the Report it was necessary first to falsify it, and fabricate a new one.

Now I will take another instance. In the one which I have just quoted, the falsification of the Report is obvious to any one who will take the trouble of turning to it: in the next which I shall quote, the same expedient was resorted to, although it requires a little more attention to discover it. The Report states, that the magistrates of Coventry are charged with having neglected the public interests from a desire to promote the advantage of certain of their own servants; and adds, that to such a cause is attributed the collision which has taken place between them and the directors of the poor. The witness was asked what could be the meaning of this passage; and he was examined at some length as to the particulars of the appointment of a chief constable, one Prosser, who, as it appeared, was recommended by the Home Secretary of State, and appointed accordingly. It seems that the directors of the poor had desired to have another person appointed; and the witness was very pointedly asked more than once, whether he did not believe that this appointment of Prosser was the instance on which the Commissioner proceeded, in stating that the magistrates neglected the public interests to promote the benefit of their own servants. "According to the best of your belief, this alleged charge proceeds upon this, that the Corporation appointed to this office of chief constable, at 140*l.* a-year, not one of their own servants, but a person recommended by the Home-office, rather than take a person recommended to them by the directors of the poor?" "Yes." "The passage next following that I have quoted from the Report is this:—'To such a cause is attributed the collision which has taken place between them and the directors of the poor,' namely, this appointment of Prosser?—Yes."

Your Lordships must observe, that

those words, "namely, this appointment of Prosser," are not in the Report, but are a gratuitous addition by the Counsel, who had been gradually leading on the witness, step by step, to swear positively that this was the instance to which the Commissioners referred.

Now I have no sort of doubt, that by this course of examination a double object was effected. First of all, your Lordships, or such of your Lordships at least as did not take the trouble to consult the Report, would be led to believe that you were hearing for the first time the particulars of Prosser's appointment; and, secondly, you could not fail to be convinced that this was a most frivolous and unfounded charge, which the Commissioner had ventured to make on such grounds alone, while he studiously excluded from his Report all those particulars by which alone you could judge of its real character. I know at least that this would have been the effect on my mind, if I had not by this time seen reason enough to suspect the fairness of the examination which the learned Counsel were instructed to make by the Town Clerks; and if I had not been consequently led to take nothing for granted which was said either to be in the Report, or not to be in the Report, until I had examined it myself. Nor was my labour thrown away; for in the first place, on turning to page 1800, under the head Chief Constable, I found all the particulars relative to Prosser's appointment set out, and much more fully set out than by the witness at the Bar; the desire of the Corporation to make the police more efficient, their application to the Secretary of State, and all the circumstances connected with his appointment. Then I turned to page 1836 of the Report, which contains the statement quoted by the Counsel, of the collision between the Magistrates and directors of the poor, and I found that the Report distinctly states the real cause of the collision, leaving nothing for the imagination or belief of the witness as to the meaning of the Commissioner, but plainly stating that the cause of the collision, of the loud dissatisfaction and angry feeling excited among the inhabitants, was not the appointment of Prosser as chief constable, as your Lordships were led to think, and as the witness swore he believed the Commissioner implied, but the refusal of the Magistrates to entrust the service of summonses and warrants of execution for non-payment of Poor's-rates to the directors of the poor, and also their refusal to insert more than one name into a summons. This was the cause of the collision, because the costs of execution, are stated by the Report to be grievous and often ruinous to poor families, when the sum distrained for is comparatively trifling. And it was charged against the Magistrates, that they persevered in this system, in opposition to the representations of the directors of the poor, and many of the most respectable and wealthy inhabitants of the city, because their clerk was allowed to charge 2*s.* for every warrant, and because Prosser profited by the executions, whose salary, your Lordships are to observe, although the Counsel and witness studiously concealed that fact, the Corporation had guaranteed to the extent of 140*l.*; and therefore in that sense there was no inaccuracy in calling him their officer, because they were bound to pay his salary out of the Corporate funds, if his other sources of emolument should fall short.

Now this was the charge broadly and distinctly made by the Commissioner. It may be true, or it may be false; that is not the question now. What I wish your Lordships to observe is, that the Counsel passed over the whole of these transactions in silence, and painfully brought the witness to swear that the collision alluded to arose out of the appointment of Prosser to be chief constable of police, although Prosser's appointment as police constable is not at all in question here; and in page 1800, where it is mentioned, all the particulars detailed at the Bar, and many more are set out; and it is stated, that the Corporation had made this application to the Secretary of State, wishing to render the police of the city more efficient. So that your Lordships are made to believe, that the Commissioner suppressed the facts connected with Prosser's appointment, when in truth he gives them all, and assigns a praiseworthy motive to the Corporation in the application which led to it; and you are also made to believe, that this appointment was alluded to as the cause of the collision spoken of, when another most different cause is distinctly stated on the face of the Report, in the very page from which the Counsel was reading, and to which he was adding false insinuations of his own, and where Prosser's appointment is not at all in question, but is only incidentally mentioned, so as to furnish the ground-work for this most gross misrepresentation. I leave it to you, my Lords, to say who are the parties guilty of suppression.

I will give only one more instance. The whole evidence is full of this sort of case; but I will content myself with citing a single instance. The Report of the Charity Commissioners was mentioned; and it was brought as a charge against the Corporation Commissioner, that he had cited the Charity Report very largely, but had stopped short in the middle of a paragraph, in order to avoid quoting the praise given to the Corporation (as it was said) for the management of its charitable estates. And surely if this were true, no better proof of the malignity imputed to the Commissioners could be given, than that they should quote everything which seemed to blame, and stop short abruptly as soon as the Charity Report began to praise the Corporation; and accordingly I observed that when this statement was first made at the Bar, it produced that effect upon your Lordships which might be expected. But it happens that it is not true; and even as the evidence has been given at the Bar, your Lordships may see that it is not true, although the questions on this point were asked in a singularly involved manner, and well calculated to produce the impression that the witness's answers were in accordance with the Counsel's statement, whereas in fact they contradicted it.

And, first, it may be as well to observe, that the Counsel assumed a little too hastily that there was much praise in the Charity Report; for, on the contrary, that Report exposes and condemns, in the strongest language, the various abuses which were detected in this administration; but after pointing out all the neglect and abuse, the Charity Report states, that in the last few years, exertions have been made to remedy the misconduct of half a century. It states, that "since the year 1828, several new corporators have been admitted, who have applied themselves earnestly to the reformation of the abuses of the Corporation, and to the introduction of a clear system of management," and then it states the particulars of that improvement. Now the whole of this praise is copied into the Corporation Report, page 1812; every word, in short, that related to the Corporation is *verbatim* inserted, and the only passage omitted is one relating to an individual, Mr. George Eld, the gentleman who was examined at your Bar. It appears that Mr. Eld had been very active in these improvements; so much so that the Charity Commissioners considered him to deserve a paragraph to himself, and accordingly they devote one especially to him, with a sort of apology to the rest of the Corporation, hoping that they will not be offended because Mr. Eld's merits are thus prominently brought forward. Now this passage the Corporation Commissioner has omitted, and without any impropriety, as it seems to me; for he might not feel so acutely as the Charity Commissioners, and Mr. Eld, the necessity of particularly lauding an individual when he was describing a general system. Your Lordships are to remember, that he quotes every word of the praise given to the Corporation, notwithstanding Counsel's allegation to the contrary. But then comes Mr. George Eld; and says, "Hey-day! where are the vouchers in favour of my character?" and then he very naturally thinks, that if he does not get a repetition of the praise which is his due, the Corporation is defrauded; for he is not content with his share of the common praise freely given to all, and he instructs Counsel to charge the Commissioners boldly with having omitted all the praise of the Corporation. Well; the charge is made, and so it must be supported; and then comes the awkward circumstance that the actual paragraph which praises the Corporation is found in the Commissioners' Report. But this is got over with some ingenuity; for by first reading the paragraph in praise of Mr. Eld from the Charity Report, and then reading the paragraph in praise of the Corporation, and, lastly, by asking Mr. Eld whether the passage which Counsel had last read is omitted from the Corporation Commissioners' Report; the witness either becomes confused himself, or is enabled to confuse your Lordships, and swears that the passage last read is omitted, when in fact he knew, and came to swear, not that the passage last read, but the last but one read, was omitted, namely the praise of Mr. George Eld, and not the praise of the Corporation, every word of which, as I have already said, was faithfully and conscientiously inserted.

My Lords, is it necessary to go one

step further, in order to destroy the whole effect of the evidence, brought to impeach the Report and attack the Commissioners? Your Lordships by a large majority cheered on these charges, many looked most complacently upon the case, as if it were proved; and some were so satisfied, that they avowed their readiness to condemn both the workmen and their work without the ceremony of asking an explanation or hearing the defence. You now see on what kind of foundation the charges were built, and how far the sentence would have been just which you were so very ready to pronounce.

These instructions to Counsel were given by the Corporate Officers, and chiefly by the Town Clerks. If, my Lords, there had but been a single little clause, inserted in some snug and convenient corner of the Bill, to provide that all who are now the incumbents of any municipal office should continue in the same, I doubt if we should have had half so many petitions presented. I am sure we should have heard but little of the evidence which has been delivered at your Bar; and I believe that the learned Counsel who addressed your Lordships in behalf of the existing rights, with all the zeal of their anxious clients, the score or two of Town Clerks now in London assembled, would have been at liberty to exercise their talents and display their animation elsewhere—for the behoof of other parties, and to the edification of other Courts.

My Lords, another circumstance to which I cannot help adverting, is the attack which has been made upon certain individuals whom the Commissioners had examined, an attack made for the apparent purpose of damaging the Report and of vindicating the Corporations, but which not being followed up by any impeachment of the testimony given by those individuals, vanished into smoke. Thus, in the case of Mr. Marryatt of Coventry, after a spell of an hour's length, after harassing the witnesses by putting the same questions to them again and again, I certainly expected that something would be elicited to alter the nature of his evidence before the Commissioners, and that Mr. Visger of Bristol would have fared no better. I naturally reckoned upon Mr. Marryatt being contradicted as to what he said he saw, and what he told of his own knowledge, even if it be admitted that the knowledge was acquired while he was serving his time with the Town Clerk of Coventry. But although the learned Counsel left no means untried of impeaching his credit, although he examined minutely into the fact of Mr. Marryatt having learnt what he swore from his situation in the Town Clerk's office, not one word was said to show that what he told was untrue,—in not one tittle of his evidence was he contradicted, nor was one fraction of his statement denied. What then can it signify to the accuracy of the Report how those who told the truth came by the knowledge of it? Here is a sample of the kind of answers given to the Commissioners, a sample by which you may judge of the whole cargo, without further breaking bulk. Take another of the same kind. Mr. Merryman the Town Clerk of Marlborough, is called,—a sharp, clever young man, who was appointed at the age of twenty-two, being the son of the Mayor, and who, if he had been the son of any other man might, I suppose, have waited until he was forty-two before he was honoured with the appointment, although from his appearance I nowise doubt of his fitness for the office. A question was put to him about the parties who had taken upon them to swear before the Commissioners, that if Lord Aylesbury objected to a man there would be no great chance of his being elected a burgess; and he answered by vituperating those who made such attacks, speaking of their spite and want of courtesy, and what not, and launching out into much praise, but of a vague and unprofitable kind, which he lavished upon Lord Aylesbury, and upon the Corporation. But, after all, did he deny the fact? No such thing. He was asked by us—"Do you, Mr. Merryman, who are the friend of the Corporation, the son of the Mayor, and the eulogist of the Borough patron Lord Aylesbury,—do you assert, that if a man happen to give offence to his Lordship, or is not acceptable to him, he has any chance of being elected a Burgess? Do not tell us what so and so said from spite, but give us a plain answer to that plain question?"—"Then," said he, "the fact cannot be denied—I think such a person would have little or no chance of being elected." So that the only conclusion to which all the evidence on this head brings us, is, that a certain spiteful man told the

Commissioners the truth, that they believed what he told them, and that this unspiteful man, the friend of Lord Aylesbury, now admits that the evidence given by the spiteful witness was as true as the Gospel. The Oxford evidence affords another instance of the same course pursued by the petitioners carefully avoiding the real question whether the Report is true or not. There is much general praise sworn to of the Corporation and much blame of its adversaries. But not one word is said about the statement in the Report that of the 1,500 corporators, not 500 take any part in managing the charity trusts, and that of these 65 are paupers receiving parish relief.

This, my Lords, is another sample of the manner in which the examination was conducted, and of the impression which was sought to be made by dwelling upon fringes of the argument, pulling down things which nobody was interested in supporting, and suppressing those parts of the evidence which tended to establish the accuracy of the Reports. I must say, that taking in the mass the evidence which was adduced by the learned Counsel at the Bar, I never saw any of a more futile nature brought forward in support of a charge against any public functionaries whatever. But I wish to give particular instances; and the one I now allude to is that of my excellent Friend Mr. Drinkwater, than whom a more honourable and conscientious man (I might add, a more accomplished and able man) I believe exists not upon the face of the earth. It suited the humour of my noble and learned Friend (Lord Lyndhurst) to designate him as a Whig;—I wish he were. But if he be, he has acquired his Whiggism since I left the Court of King's-Bench and the Northern Circuit: which in one sense is somewhat mortifying, because all the time I had him under my tuition I never saw any appearance of Whiggism in him; and assuredly he comes of as good a Tory family as any of your Lordships. However, he is now discovered to be a Whig; I can only say, it is at least as new to me as it is agreeable.

Lord *Lyndhurst:* I rise to set myself right, as to what has been said by the noble Viscount opposite.

Lord *Brougham*: The noble and learned Lord must see how inconvenient the license is which he is about to take. Why should he wish, in the middle of my speech, to answer something which has been said, not by me, which would be irregular, but by another, which is absolutely unheard of? In the time of the Greek orators, it was customary to speak for an hour, examine some half-a-dozen witnesses to gain breathing time, and then go at it again; but who ever heard, even then, of Æschines interjecting an answer to Demosthenes, as my noble and learned Friend would now do to the noble Viscount, in the middle of the speech of some orator, whom I cannot tell the name of; for he must have been obscure indeed if I could liken myself to him, and his name has not reached our days. I really can allow my noble Friend only to set *me* right by this interposition, if I have mis-stated anything; but as to his getting up, and replying to the speech of another man, I can hardly be expected to suffer that, unless I were much more exhausted than I at present, ill as I am, happen to feel. But I return to Mr. Drinkwater. If he did his duty as a Commissioner, with perfect impartiality, it does not signify one straw whether he is a Whig or a Tory. If he has become a Whig, I suppose it is from experiencing the deficiencies of the Tories, and witnessing the excellent achievements of the Whigs, that he has got on the right side of the question; but I believe that he is no more a Whig than my noble and learned Friend himself. Or, to take a safer comparison, than the noble Earl at the Table (Falmouth.) [The Earl of *Falmouth*: I never was, nor ever will be one.] That is dangerous to say. How can you tell that your conversion too may not come? However, a more flimsy charge never was made against mortal man than that which is insinuated, rather than brought forward, against this gentleman. It was said, why did he take Mr. Visger's evidence out of Court? But he never did so—never thought of doing so. He received, as was his bounden duty, in private, information upon which he might in public proceed; and not only can no blame be imputed to this, provided he examined all the evidence publicly, and did not decide upon what he had privately learnt; but he could proceed in no other course, unless he designed the whole inquiry to stand still, and to prove a mere mockery. Why, I should like to know how any men are to carry on an investigation of this sort? Are they to shut their ears against all who come to suggest topics of examination, and put them upon the track? Most clearly they are bound to hear all the information which is offered to them, although not to decide until they have taken evidence in open Court; and that is precisely what Mr. Drinkwater did. He took the suggestion; he examined the evidence; he was put on the track; he pursued it; he made up his mind, but only to act upon the suggestion; he did not decide; he did not make his Report until after a public examination of the evidence;—and then I come to that which is the *gravamen* of the whole charge. It appears that after he had inquired, some information came from the Corporation party, who begged that he would put it also upon the Minutes; and for refusing to do so, he is charged at one long step with having suppressed it; and by a jump from that step, he is accused of having made underhand a Report, founded upon information derived from one party, while he rejected that which was tendered by the other, who now complain of this notable suppression! But what was the fact? The evidence tendered by the Corporation related to an alleged improvement made after the Commissioner had closed the inquiry, and left Bristol, and returned to London! Was he at that time to alter his Report? Was he to change and to garble his statement, finished and founded upon what he had seen on the spot, and framed upon the evidence taken openly, in a legal, regular manner, in the face of the people? And this was he to do on the private communication of one of the parties, behind the other's back? If he had done so, then indeed I think he would have been liable to that charge which I hesitate not now to declare has been the most absurdly and unjustly brought against him of all the imputations made against all the Commissioners.

I know not whether it will be proper now to trouble your Lordships by going again into the case of East Retford, or the evidence upon which an attempt was made to impugn the testimony of Mr. Bigsby, who swore that he had seen a magistrate and a prisoner rolling together on the floor of the justice-room. I asked the witness whether Mr. Bigsby was a respectable man; his answer was, that "he was most highly respectable," and that he had been in partnership with the Town-Clerk. But then he endeavoured to show (as he could not impute want of veracity) that Mr. Bigsby must have been mistaken, and must have thought it was the magistrate when it was the constable who rolled on the floor. A more marvellous failure I never yet did see in any such attempt at reconciling testimony, which it is found impossible to displace! The witness referred to another case, clearly not the one Mr. Bigsby spoke of, but one in which a police officer was rolling on the floor of a room in an alehouse with a felon of the name of Grimes; and then he admitted—an admission which was sufficient to put the whole explanation out of Court—that Mr. Bigsby was never in the room of the ale-house at all. Does not this demonstrate that he could not have seen the policeman rolling with the felon on the floor? and that his statement could not have referred to what passed in the ale-house? Mr. Bigsby is not discredited; no one pretends to say he told an untruth. The only attempt made is to show he was mistaken, when he said he had seen a magistrate on the floor in the justice-room; and that attempt is prosecuted, by showing that in an alehouse where Mr. Bigsby never was, a policeman was on the floor. Can anything be more signal than the failure of this attempt? Then, as to the report about Alderman Parker: that part was drawn by Mr. Cockburn from his own notes of the evidence. The notes taken by the other Commissioner, Mr. Rushton, which I have seen, tally exactly with Mr. Cockburn's statement. To contradict them, the Corporation might have called the shorthand writer who was in the room at the examination, who is here at hand, and who could have attended. But he is not called: they only examine a man who had taken no notes at all; and why are we to believe him rather than the two Commissioners? Any one of your Lordships must know that in a court of justice, where there is conflicting testimony—where there is word against word, or oath against oath—such an omission as that of calling the shorthand writer would put the case out of Court, and establish the accuracy of the Report as certainly as that two and two make four.

My Lords, I think I have done enough to throw as much light upon this subject as suffices to vindicate the Commissioners from any charge. If I did not in my conscience believe that I had sufficiently vindicated them in the mind of every intelligent, patient, and candid inquirer—

every one who is seeking after the truth and not after vengeance and injustice—no tedium to myself, no lassitude under which I may labour from the fatigue of last night, and, above all, no impatience on the part of the House, would induce me to shorten my statement by a single minute of time. I am performing an act of justice—I am doing a necessary deed—I am defending those who are accused behind their backs, and are about to be condemned without even being told what they are charged with—I am seeking to stay judgment, and, for aught I know, execution against those absent and undefended men; execution about to be passed upon the most valuable thing in this life, their character. The precious fame of eighteen or nineteen men, as honest as any upon whom the sun ever shone, is sought to be tarnished for party purposes, to gratify the malice of some and serve the sordid ends of others. Charged with their protection whom you have not suffered to defend themselves, I am justified in engrossing the attention of your Lordships, even though it should be to the exhaustion of your patience, while I make the statements which I feel that it would be as unjust for me to abstain from making as it would be for your Lordships to refuse to hear, until I deemed, as I now do, that I have made a thoroughly good, sound, and perfect defence of those traduced and absent men. Having done this, I feel that I have only discharged a duty which rested upon me. I was never absent an instant during the examination of the evidence. I have made up my mind from no predilection in favour of the inquiry or of the Commissioners who conducted it. I felt that this duty rested upon me as the author of the Commission, and the author, or at least the person to whom had fallen the largest share in framing, this great measure—this necessary scheme of ample and general improvement. I have watched over its fate from its embryo state—from thence I have attended it through all its successive stages, and I am only persevering in discharging the duty I owe it in this which should be the moment of its maturity, but which I fear only precedes its dissolution. I feel, above all men, anxious that no adventitious source of blame shall be attached to it, either from the defenders of it or from the foundation on which it is supposed to rest—that no extraneous weakness shall be ingrafted upon it—that no exotic rottenness shall be implanted in it—that no needless scathe shall befal it through the misconduct of any man connected with it, even of the men whose appointment I was aware of, and was, legally at least, amenable for—many of them being utterly unknown to me, but all recommended by those in whom reposed my entire confidence: so that I shrink not from the full responsibility. I am answerable for their appointment in the face of the people, whose hopes are centred in the passing of this Bill. But I am yet more deeply responsible for the Measure itself and its success; and if any one of these men, contrary to my reasonable expectations, contrary to all I had a right to reckon upon from men so recommended to me, had failed in his duty—if the result of the present inquiry had proved that the choice of the Commissioners was a wrong one—if the Commissioners had proved to be unjust and partial men—if their conduct had turned out careless, and ignorant, and unfair—had been found dishonest or neglectful—and if, through ill-judging friendship to the Measure, they had made themselves the worst of enemies by corruptly executing the functions committed to them—in a word, if, by their deficiency or by their fault, they had cast any discredit upon the inquiry in which they were engaged, or upon the Measure to which that inquiry gave birth, I should have been the first to shake off the contamination which would have attached to the Measure and to myself from such a fellowship, and recoiled with disdain from a contact so impure. I should have given them a fair trial—I should have lent a patient hearing to their defence before I gave them up; but, being once convinced, I should have been the first to abandon them, as they had abandoned their duty. I claim the credit, my Lords, of having watched attentively, sedulously, and anxiously all the evidence given upon the conduct of these men; but I claim more—I assert that no one sifted the conduct of the accused with more jealousy—none scrutinized it more narrowly, more inexorably—I was a judge altogether impartial—I had no interest in protecting them if guilty, none in stifling the charge against them—my sole object was, to discover the truth. And now, after hearing all that could be offered against them—after sifting, as far as I could without them, the charges brought—after examining the whole case, as well as I could in the absence of the accused—after hearing the evidence in support of the charge alone, and hearing only the *ex parte* statement made at your Bar—I feel myself prepared, most clearly and most conscientiously, to pronounce their acquittal. I consider, indeed, that the Bill does not stand upon this ground alone: If the Commissioners had been proved to have exercised their authority improperly, and even if they had practised all the malversation imputed to them, it could well survive their condemnation; in pronouncing which, had they been guilty, I should have joined: but I see not the shadow of a shade of ground for the charges which have been fabricated against them.

One word now as to the feelings of the people, expressed in the language of their petitions. The noble Earl (Falmouth) says, that the sentiments delivered are not their own, but such as have been put into their mouths by excitement and agitation. My Lords, the proofs of this are about as solid as those brought against the Commissioners. He has spoken of two letters franked by Lord John Russell, and sent to what he calls a radical gentleman at Weymouth, in consequence of which meetings were held there, and petitions sent up to this House. "Now how do I know," argued the noble Earl, if argument it could be called, "but that the same practice is carried on in other quarters." Somebody, it seems, had seen two letters; but even if he saw the address, with the radical superscription upon it, franked by Lord John Russell, had the informant opened the letter? Did he know what was in it? The noble Earl does not pretend that anybody told him that; and is he to assume, that because Lord John Russell franked a letter, without ever inquiring whether it was destined for a Radical or a Conservative, therefore his Lordship was engaged in agitating the people of Weymouth? We are told that the feelings of the people are not spontaneous; that they are worked upon by agitation; and that their acts are those of a deluded mob. I grieve to hear it—I feel some alarm. I think a deluded mob of 23,000 persons would be a very awkward thing to deal with; and that number of persons signed the petition at Manchester in ten hours. There was no time to call a public meeting, but in three or four days it would have been signed by 30,000 persons. This is the majority of the population of Manchester, when the women and the children—the persons who are not of the signing age and those who are not of the signing sex—are put out of the question. The petition at Leeds was signed by 16,000 persons after a public meeting holden there; signatures to the amount of 20,000 might easily have been obtained, for many went away from the meeting without signing, thinking it would be superfluous to do so; but this number answers to a population of about 50,000, which is greatly more than a majority of all the people of Leeds. At Leicester, the petition was signed, in a few hours, by 9,500 persons—that very Leicester which sent up their Town-Clerk to tell us that every thing went on well in the administration of their affairs—that their justice was perfect—their magistrates paragons of excellence—that everything was satisfactory—that nothing within the whole compass of mortal fancy could be better than the state of their municipal affairs—that there were only a few persons of no mark who showed any discontent, and imagining they had found a better system, were out of conceit with the old one; and yet it turns out, after all these panegyrics, that this petition in favour of the Bill is signed by a number of no less than 9,500 of these pleased, contented, and highly gratified inhabitants of the town of Leicester—a number amounting to four-fifths of the population—a petition, too, containing expressions so strong, that your Lordships in your indignation refused to allow it to be presented. If, therefore, four-fifths of the people there are so ill pleased with your Lordships from the mere suspicion that you do not mean to pass this Bill, but that you mean tomaintain this popular, excellent, and altogether perfect regimen, that of the present corporation, at least such a circumstance may be regarded as an indication that the public mind in Leicester is not quite so contented as the Town-Clerk of that place would complacently represent. My Lords, I draw one conclusion from the whole of the arguments at the Bar—from the fierce opposition to the Bill—from the violence of the witnesses examined. It is, that the people of this country are utterly discontented with their present municipal government, and that the municipalities know it. Do I ask a proof that the people all deeply desire an alteration—that this wish is universal, strong, deep-rooted—that, if there are any exceptions, it is among those interested, like the Town-Clerks whom we have heard at the Bar, and the other witnesses almost all directly connected with the present Corporations—such proof is furnished by the conduct of the Corporations themselves. If the friends of the present system really believe what they often say, that its constitution and administration are such as to command the respect and to win the hearts of all men—if they and their works are the delight of the human race—if their present magistrates are perfectly acceptable to the people—if there is no hostility between the corporate bodies and the inhabitants, but every thing is contentment and sunshine all around them—then why so much afraid of this Bill, and of new elections by the general body of their fellow citizens?—Why so much afraid of the householders—of those to whom their past conduct has given such satisfaction?—Why insist upon electing one another, and not trust their dearly-beloved selves to the voices of their much-loving fellow-citizens? I once or twice tried that argument with the town-clerks whom we examined, and when they did not perceive the drift of the questions, they got into the net of this reasoning. At first they answered very glibly. "Are the public officers," I demanded, "very unpopular?"—"No, not in the least." "Are they all acceptable to the people?"—"Yes." "They are popular, then, in the place where they live?"—"Certainly." "Do others think so beside yourself?"—"Yes, others think so too." "The great majority of the rate-payers are for them of course?"—"Yes." "Then I suppose, if they had to choose a new Corporation, the present men would be re-elected?" The witnesses did not quite so much approve of that question. One of them from Rochester fell into the snare, and said, "Yes; O yes, they would all be re-elected." But this seemed to raise the indignation of the learned Counsel, who began to think what kind of a case he would have if it were admitted that the only difference provided by the Bill would be, that the same individual aldermen, wearing the same gowns, would have their names changed to that of members of the Council, and that all the argument of spoliation, and injustice, and oppression would be swept away. But I judge from every one of these cases produced against the Bill and the Report—from the firm dislike towards the measure shown by the whole of the Corporations—from their hatred to open election, and their determination to cling by close election and self-election—from all this I judge that the feeling universally pervading the present rulers of boroughs is that they will not be re-elected by the people, because their administration has not been satisfactory, and because the whole system, both in theory and in practice, has secured for itself the distrust, the aversion, the hatred of the community at large. This was the case in Scotland two years ago, on the passing of the Bill which I had the honour of carrying through this House, vigorously opposed by my noble Friend (Haddington) opposite, and my noble Friend on the floor (Rosslyn). That great reform was followed by a total change of the magistracy throughout Scotland, which showed that the Scotch people were not enamoured of their municipal system; and I look, as do the English Corporations themselves, to the like results here. My Lords, I really hope that your Lordships will go on with this Bill in a friendly spirit. I hope at least that my gloomy expectations have a chance of being deceived, and that the sharp alarm which penetrated my mind upon the announcement of the noble Duke, this night, for the future fate of the Bill, will prove to have been needless and groundless. I have no words to express my sense of the importance of those interests which are involved in the fortunes of this measure; but I leave it to your Lordships, with the hope and the prayer that you will suffer it to become the law.

The Duke of Newcastle intimated his intention not to press his Amendment. Their Lordships then went into a Committee on the Bill, and immediately resumed.

Committee to sit again.

PROTEST AGAINST GOING INTO A COMMITTEE.

The Duke of Newcastle afterwards entered the following reasons against going into a Committee upon the Municipal Corporations' Bill.

"1. That Parliament can or ought to have no power which is not founded on wisdom, justice, or equity.

"2. That Corporations hold by prescription and by royal charter, which give as good a title, and confirm to them the possession of their rights, privileges, and property, by a guarantee as secure and binding as that by which any individual British subject whatsoever claims to enjoy his possessions, whatever they may be.

"3. That the King alone is by law instituted visitor of Corporations, and has the right to inquire into and redress any delinquencies through his Majesty's Court of King's Bench, or their Courts, and therefore that the irregular interference of Parliament is a fearful assumption of power, and a perilous inroad upon the royal prerogative.

"4. That the Bill called "An Act to provide for the regulation of Municipal Corporations in England and Wales" is, in fact, a Bill of Pains and Penalties, founded upon the Report of an illegal Commission.

"5. That the House of Lords, in its judicial capacity, cannot go into the allegations of such a Bill until sufficient ground for doing so be proved by Evidence at the Bar.

"6. That, therefore, no step ought to have been taken, nor the Bill pass through any of the usual stages, until such evidence has been heard and the charges substantiated.

"7. That the principle of the Bill, as well as the Bill itself, is opposed to all constitutional justice and political wisdom, and may fairly be suspected, by a sacrifice of the defenceless Corporations, to be intended to commence the overthrow of our civil, ecclesiastical, and all other ancient and cherished national institutions.

"For these reasons I emphatically protest against the Bill going into Committee, or passing into a law.

"Newcastle."

HOUSE OF COMMONS,

Wednesday, August 12, 1835.

Minutes.] Bills. Read a third time:—Turnpike Acts' Continuance.—Read a second time:—Charities' Commissioners; Sheriffs' (Ireland).

Petitions presented. By Dr. Bowring and Mr. Sharman Crawford, from Dumfries and Galway, in favour of the Church of (Ireland) Bill.—By Mr. Harvey, from Coggeshall, against the Sale of Beer Amendment Act; from Stoneham, for Releasing John Childs; from Colchester and Falmouth, in favour of,—and by Mr. F. Shaw, from Dublin, against the Municipal Corporations' Bill.—By Mr. Fielden, from Oldham and other Places, for Amending the Factories' Regulation Act; from three Places, for a Board of Trade, and Relief to the Handloom Weavers; from Carlisle, for the Repeal of the Poor-Law Amendment Act; from three Places, for the Repeal of the Duty on Newspaper Stamps; from Huddersfield, for a Remission of the Sentence on the Dorchester Labourers; from Norwich, for the Repeal of the Malt Tax.—By Viscount Castlereagh, Lord Ashley, Sir Charles Lennox, Sir Robert Inglis, Colonels Verner and Perceval, and Messrs. H. Maxwell, R. Plunkett, Vesey, and A. Lefroy, from a great Number of Places,—against the Church of (Ireland) Bill.—By Mr. R. Wallace, from Kingston-upon-Hull, against Bribery, &c., at Elections.—By Mr. Wakley, from two Metropolitan Parishes, for Amending the 58th of George 3rd, commonly called Sturges Bourne's Act; from St. Pancras, Middlesex, in favour of the Inns, &c., Bill; from Bristol, for a Repeal of the Sentence on the Dorchester Labourers.

Dorchester Labourers.] Mr. *Wakley* presented a petition from 5,000 inhabitants of Bristol, praying for a total remission of the sentence passed on the Dorchester Labourers. In presenting such a petition he said that he could not avoid observing upon the punishment inflicted upon those unfortunate men, and the perfect impunity with which the members of Orange Lodges, who had committed as great, if not a greater offence, had been allowed to escape. He was not one of those who would wish to press severely upon any class of persons, but it certainly did appear to him not a little extraordinary that persons of high station, of character, of great talents, and large experience, should be allowed to commit with impunity an offence such as it had been shown within the last two or three nights the members of Orange lodges had committed, while persons so ignorant, and so unacquainted with the law they were transgressing, as those unfortunate labourers, should be visited with the heavy punishment inflicted on them. It appeared in the course of the discussion last night, that previous to 1834, a declaration was taken by the members of Orange Lodges, requiring secrecy in their proceedings, exactly similar to that taken by the Dorchester labourers. Now, every Orangeman that assented to, and that took the declaration, came under the operation of the 39th George the 3rd. c. 79, as fully and as completely as those unfortunate men. The country would demand that these unfortunate men should not any longer be subjected to the punishment they were now undergoing, after those disclosures respecting Orange Lodges. If all those Orangemen thus accused were not prosecuted, the people of England would be satisfied that there was one law for the rich and another for the poor in this country.

Colonel *Perceval* said, that the hon. Member had indulged himself in inferences against the Orangemen which had no other foundation than the declarations made by Members in that House—declarations originating in party feeling and to which no credit was due. He had already expressed his condemnation of the existence of Orange Lodges in the army, but their existence in the army was not contrary to law. It was merely a breach of the military discipline prescribed at the Horse Guards, but it was not contrary to any Act of Parliament. He did not see, then, how it was possible with any show of justice or of reason to associate the

Dorchester labourers, and every convict who had been found guilty of violating the laws of the land, with the members of Orange Societies. He would say of that society, that it was second to none in loyalty to the King, and in attachment to the laws and the constitution of the country. He would repeat what he had stated last night, that Orangemen do not make any declaration—that as soon as the Act of 1834 was passed the society dissolved, and that on its re-formation it omitted any oath, test, or declaration, that had been previously taken. With regard to the 39th George the 3rd., it had nothing to do with Orange Lodges in Ireland; it was passed in reference to some French Jacobinical societies in this country. He must on this occasion protest against hon. Members in that House making their own prejudices the standard of right and wrong. He defied the hon. Member, or any other hon. Member, to show that Orange Societies were either disloyal or contrary to law. If they were, let them be dissolved. He had tendered himself to the learned Member for Dublin to try the question. He was not out of order, and he would insist on his privilege to answer the hon. Member for Finsbury, who had made an ungenerous, he would say, an uncalled-for attack upon the members of the Orange body.

Petition to lie on the Table.

Factories' Act.] Mr. *Fielden* presented Petitions from Stockport, Oldham, and other places, praying for some measure to enforce the provisions of the Factory Bill. He would say that the Government should take care to enforce the provisions of that Act, which was of much more importance than a reduction of the duty on newspapers. The law was at present shamefully evaded.

Mr. *Hindley* supported the petition. He wished to know from the Chancellor of the Exchequer whether the Government would oppose his bringing in a Bill to repeal the Factory Act, and to substitute a more effective measure in its stead? If he were allowed to bring in such a Bill, he would then only ask to have it printed, and the country and the Government would come to the consideration of it next Session with a matured judgment. The present law was grossly evaded, and Mr. Ricards, one of the inspectors, who had 2,000 mills under his inspection, asserted that nothing but a limitation of the hours of working the machinery would effect the object in view.

The *Chancellor of the Exchequer* was sorry that he could not give a distinct or decided answer to the question of the hon. Member. The subject was, in fact, one not connected with his department. He would not, however, consent to the introduction of a Bill without first knowing its provisions, and if it should appear that those provisions would go to interfere with the ordinary wages of labour, and with the employment of capital, he doubted, upon general principles, the expediency of bringing in such a Bill at the close of the session, and leaving it loose on the country for the recess, unless the House was at once prepared to assent to its principle. When the President of the Board of Trade was in his place, the hon. Gentleman had better repeat his question. With regard to the other matter, the administration of the existing law, any evasions of it could not of course be too soon put down. That was only justice to the individuals engaged in the trade who observed the law. He was satisfied that the inspectors did all in their power to enforce the law. If cases of infraction of the law existed anywhere, let the matter be represented to the Government, and immediate steps should be taken to inquire into it, and to apply the proper remedy.

Petition to be laid on the Table.

Corporation Reform (Ireland).] Lord *John Russell* moved the Order of the Day for the second reading of the Municipal Corporation (Ireland) Bill.

Mr. *Shaw* said, that as he did not mean, for the reasons he had stated the other night, to take any part in the discussion of the measure itself, but would wish, on the mere reading of the Order of the Day, by way of preliminary objection, to enter his earnest protest against the forcing of such a Bill through the House at the present period of the Session; and without the necessary documents for discussion being yet printed. He protested first, because the noble Lord had, soon after the formation of the present ministry, given the House reason to suppose that the present measure would not be brought forward this Session; secondly, because even if the House were in possession of the necessary materials for the discussion, it would be impossible in the absence of almost all the leading Members, who usually sat at that side of the House, that the measure could be fairly discussed—but his strongest ground of protest was, that the Corporation of Dublin, comprising, in point of numbers and interests, (by the statement of the Attorney-General for Ireland) about one-third of the whole Corporations of Ireland had not yet had an opportunity of even seeing a copy of the Report, under which the Bill proposed to deprive them of their charters, privileges and property, which they as a body had enjoyed for about six centuries and a half; during which time they had received the praises and thanks of almost every successive monarch for their inviolable attachment and unwearied fidelity to the British Crown and Government; and were they now receiving British justice in return in being condemned upon what he might call an indictment which they had not heard? If even a statement in the Report were incorrect, they were not afforded the opportunity of a counter statement; and that such was likely to be the case might be judged from what he (Mr. Shaw) had already seen in the part of the papers that were printed, where he (Mr. Shaw) in a cursory reading, had discovered some incorrect statements respecting matters which he was personally acquainted with. Was that, then, he would ask, such a sound mode of legislation as the noble Lord or his Majesty's ministers expected the country would approve? No. The noble Lord might be constrained against his own judgment to force on the measure, but the noble Lord well knew it could not receive due consideration or deliberate discussion. Could such a measure, involving interests and consequences so important, be possibly discussed in the other House of Parliament, after these two great measures to which the noble Lord had alluded were disposed of? The noble Lord well knew it could not—though having the Bill thrown out there, might serve as a sop to the clamorous and to increase the clamour. While he said this, he wished to guard himself against being considered as the defender of corporate abuses or as opposed to all Corporate Reform. The reverse was the fact. He would not defend such abuse as that stated by his right hon. Friend the other night, respecting Cashel—but if it existed, he apprehended it was a case where the ordinary tribunals would afford redress. He denied that there was even an allegation of corrupt misapplication of the funds of the Corporation of Dublin to any personal object. There might possibly be just such an application as hon. Members opposite liked, but that was not the question. As to what might be termed political exclusiveness, he admitted that existed in the Dublin Corporation, and he had his own opinion on the subject, but would not now enter upon it. This much, however, he would say, that even supposing one party in Ireland had a large share of corporate influence, that was no reason for throwing the whole to the opposite party, and if individuals of high rank and station in the country had enjoyed too large a share of municipal authority, that could be no ground for throwing it all into the hands of one individual, as the Irish Reform Bill had done away many nomination boroughs, and vested all in one great borough monger, the hon. and learned Member for Dublin. He would take no further part in the discussion of the Bill, but leave to the Government the whole responsibility of passing it through that House, in the form, at the time, and under the circumstances, that they had introduced it.

Mr. *Charles Barclay* declared himself hostile to the provisions of this Bill, and must enter his protest against it. The measure would throw the whole of the Corporations of Ireland into the hands of the Catholics; what they would do might be conjectured by the conduct of the hon. and learned Member for Dublin, who set up his own authority as superior to that of the House. He impugned the decision of a sworn Election-Committee.

Mr. *O'Connell* rose to order. Would the House submit to hear a justification of the Carlow election committee on a Motion relating to the reform intended to be made in the constitution of the Corporation of Dublin, and of other Irish Corporations? He thought that the House ought not to submit to it; but if the House should be of a different opinion, he was very ready to enter into the discussion.

Mr. *Charles Barclay* was not going to enter into any such discussion. The object of the present Bill was to hand over the corporations of Ireland to the hon. and learned Member for Dublin, in whom he, along with other respectable members of society, could not place any confidence. The hon. and learned Member for Dublin had obtained the information respecting the decision of the Carlow Committee on which he founded his censure, from a near relation of his own, who was a member of it.

Mr. *O'Connell* did not know whether he ought to defend himself against the horrible charge that the hon. Member had brought against him. That charge was, that the Corporations of Ireland ought not to be reformed, because the hon. Member and his friends had no confidence in him. The hon. Member had eulogized himself, and he wished the hon. Member joy of his eulogy. He had nothing to say against it, except that he did not believe it, as it was not in accordance with facts. He denied the assertion that he had received any information respecting the decision of the Carlow Committee from a near connexion of his own, who happened to be upon it. He had, however, reason to believe that his relation was not altogether satisfied with the decision of the Committee, which raised the elective franchise in Ireland from 10*l.* to 30*l.* a-year. The 10*l.* freeholders of Ireland would one and all be disfranchised, if the decision of that Committee were allowed to stand, and if the House did not interfere to reverse it. In saying so, he had not attributed any improper motives to the Committee. This however, he must say, that the Irish Reform Bill was brought in to prevent such a decision as that to which the Carlow Committee had come, and that a debate, which took place on one of its Clauses, put that point clearly beyond all doubt. He begged to remind the House, that on the Carlow Committee there were eight gentlemen who entertained Conservative opinions, and only three who entertained contrary opinions. He thought that no tribunals could be worse constituted than the committees appointed under the Grenville Act, and he was sure that the recent decision of the Carlow Election Committee would not rescue the character of those committees from the opprobrium under which they laboured.

Mr. *Anthony Lefroy* did not mean to enter into any discussion upon this Bill. He would only say that he was not opposed to any reform that had a tendency to make these Corporations answer the purpose for which they were instituted; but to ascertain what those purposes were the House ought to have a copy of their charters before it. He repeated, that he should not enter into this discussion—he should confine himself to protesting against proceeding at this late period of the Session with a measure which had for its object the destruction of all the vested rights of corporations in Ireland. It was a measure of injustice, and, without intending to speak disrespectfully of the hon. Gentlemen opposite, he must say that it was a measure of tyranny to press on with such inconsiderate speed, a Bill which, though it suited their desires, was opposed to the feelings of a large portion of the people of Ireland.

Bill read a second time.

REGULATIONS FOR PRISONS.] The House went into a Committee on the Regulations for Prisons' Bill.

Mr. *Ridley Colborne* said, he had presented a Petition from the Governors of Bridewell, praying to be exempted from the provisions of the Bill: and he now begged to bring up a Clause to that effect, he had flattered himself that it would not have fallen to his lot to do so: for though the noble Lord who introduced the measure in the other House had not done so, he had promised to use his influence with the noble Lord, the Home Secretary, for that purpose; therefore, notwithstanding that noble Lord's refusal to incur the unpopularity of bringing up the Clause himself, he (Mr. Colborne) trusted he should have his support. The reasons on which he grounded his request were shortly these:—In the first place, Bridewell was governed by Charter, which had existed for above 300 years; it had never asked of the House one single shilling, but was supported entirely by the funds granted them and the donations of charitable individuals: the Governors of Bridewell, therefore, asked, let it be remembered no aid in money, but only exemption from the interference of the Bill. A Committee had gone over the gaol, and had reported that there never was one more useful and accurately conducted; also strongly recommending that it should not be put under the provisions of the Bill. He was aware it would be asked why should they object to the restrictions of the Bill, if its arrangements were so good. That was a very natural question certainly, but was it fair to introduce a Bill for the better regulation of bad gaols, and to include in it one against which not the slightest blame was attached? While such an interference disgusted benevolent persons and prevented them from becoming subscribers to the institution. It was not merely condemning without trial but after a trial, and a complete acquittal; and coming in at the eleventh hour with a provision, which the noble Lord who brought in the Bill, did not intend should be included in it. The hon. Member begged to move the introduction of the Clause.

The Clause having been brought up,

Lord *John Russell* said, that on being informed by the parties interested that they wished to bring up such a Clause, he certainly expressed no approbation; but on being told that his noble Friend in the other House was pledged to it, he did not offer any opposition to its introduction; although he had written to his noble Friend, the Duke of Richmond, expressing his opinion that as the Bill was of a public nature, he (Lord John Russell) did not know any reason for giving his assent to the Clause. His Grace answered him, however, that he thought it ought to be introduced; and certainly after that statement, he (Lord John Russell) would not oppose it, although he must say he considered it an improper principle, and he should not have been the person to make such a proposition.

Mr. *Hawes* said the great object of the Bill was to introduce something like uniformity of principle in the gaols; and the gaols under corporate jurisdiction were always of the very worst description. Unless they were brought under the operation of this act, the very principle of which was what he deemed the greatest, and almost its only value, that all gaols would be brought under public inspection, and laid regularly before Parliament, it would be a failure. As to what the hon. Gentleman had said about Bridewell having been supported by voluntary contribution,—it was supported by endowment, for public purposes, and was not to be considered in the light of an institution supported by private funds. The absurdity of having different regulations in different gaols was clearly manifest in the fact, that by that means a punishment would be given to a crime in one place totally different from that which it received, under the same sentence, in another. Therefore he (Mr. Hawes) hoped that the proposition of the hon. Member would by no means be assented to; if it were, the wish which he had for passing the Bill would be entirely at an end, and he would divide against it at every stage of its progress.

Sir *Robert Inglis* said that—as philosophy was the common term of the day—nothing could be more unphilosophical than the endeavour to apply one uniform system to every institution: and even admitting the principle, his objection to including the gaol in question, would be the contract with the noble Lord in the other House. It was improper to legislate, with no complaint at all, to secure a mere theoretical conformity; and he was of opinion that in the evidence and the recommendation of the Committee last Session there was a case fully made out for the exemption claimed by his hon. Friend, to whom, therefore, on this occasion, he should give his cordial support.

Viscount *Howick* said, the hon. Baronet objected to what he called the modern system of uniformity in different institutions. But was there anything more absurd than that in one place what is called hard labour as a punishment was a mere trifle, and in another a severe hardship? Surely, if their efforts were divided to put down crime their aim should be to render the sentence of the law the same in all places; that was the principle of the present Bill, and to it the Clause proposed by the hon. Member was totally opposed. The views which he (Visct. Howick) entertained with respect to prison discipline were, he believed, nearly coincident with those of his hon. Friend, the Member for Lambeth; but the difference between them was this. The hon. Member thought a better system would be introduced by legislation, while he was of opinion that no great change would be brought about so much by the provisions of the law as by the mode of administering it. He thought it impossible that a general law could be introduced which should at once lay down all the details, extending to the whole of the country; but he thought the present Bill, by giving the power of inspection in hands of the persons responsible to the Government and to Parliament, would enable them to arrange a good system such as they wished to establish. The hon. Member (Mr. Ridley Colborne) had spoken of the good state of Bridewell; but admitting that, what injury would the Bill do to Bridewell, the only effect of it would be, that a complimentary Report would be given to the Government very laudatory to the Governors. But the Governors might be changed; and would they then say that when, from the notorious defects of existing systems, a general supervision was introduced,—that this particular place was to be exempted, because it was said to be at present better regulated than the majority of the other prisons. When they passed the New Poor Law Amendment Act no such proposition was made on behalf of particular parishes, and he (Visct. Howick) contended that the principle of this Bill was exactly analogous to that of the New Poor Law Amendment Act: viz.—to leave the actual detailed administration of local concerns to the local authorities, but to subject them to the supervision and control of some central authority, who should see that the duties were efficiently performed. Under these circumstances, he (Visct. Howick) should oppose the insertion of the Clause.

The Committee divided on the Clause: Ayes 6; Noes 71; Majority 65.

The Clauses of the Bill were agreed to, and the House resumed.

Church and Tithes—(Ireland).] Lord John Russell moved that the Church and Tithe (Ireland) Bill be read a third time.

Mr. *John Young* said that, in stating as concisely as possible some of his objections to the third reading of the Bill, he would not attempt to add another to the unanswerable arguments by which its principle had been met; to that principle, however, he entered his most decided dissent, and while he acknowledged that in parts of the measure there was much of good, he deeply regretted it was so overloaded with evil and injustice. The situation of Ministers was peculiar and difficult—held in check by able and powerful opponents, and urged on by allies too desperate and uncompromising to admit of pause or moderation. He could not but reject the proposed withdrawal of a very large proportion from the clergy of Ireland. This would prove an evil of serious tendency. The Protestant clergy possessed the confidence and respect of all classes in the country, and as had been stated by a tourist of liberal principles, Mr. Inglis, the Roman Catholic emigrants, when they wished to effect a remittance home from any of the colonies, invariably preferred the Minister of the Established Church as the medium of transmitting it to their friends or families. Mr. Senior, in his Pamphlet on Poor Laws for Ireland, stated it as his opinion, that a diminution of the numbers of the Protestant clergy in Ireland would materially check its improvement. They were the best, if not the only machinery for dispensing any general charity, or carrying into effect any system of relief for the poor. The remuneration fixed by the Bill was too small, considering the long and expensive education a gentleman was obliged to go through before he could assume the functions of a clergyman—functions, too, which debarred him from the exercise of every other lucrative employment. He did not think any Member would affirm, except within the walls of the House, that the proposed salaries were adequate. Again, these salaries were to be equalized. This was most objectionable, for it precluded all hope of reward, all idea of encouragement, for superior ability, knowledge, or exertions. The clergy in future would be paid by Government. They were to receive their stipends from the Commissioners. What, then, became of that independence of the clergy, which had been so often and so loudly extolled—which, at various periods, had been of essential service to the state—guarding, at times, the liberties of the subject, and at others, again, the prerogatives of the Crown? In France, the clergy were paid by Government, and, from all he had heard or read, there was nothing either in their position with regard to the Ministry, or their influence upon society, which could make him wish to see the Ministers of the religion he professed placed on the same footing. Passing from the difficult and disagreeable situation in which this measure meant to leave the Irish clergy, he would ask what party would it permanently satisfy? What tranquillity could it insure? Of the Protestants, nineteen-twentieths had already declared their abhorrence of its principles, and their dissent from its details. The Presbyterians would not rejoice at the downfal of the Established Church. It was a shelter and a safeguard to them against enemies, whose violence and intolerance they had just grounds for fearing. A measure involving so sweeping an innovation on the tenure of any property, as this did on that of ecclesiastical possessions, could not but cause apprehension and dismay in the minds of sober, intelligent men, every where actively engaged in commerce or agriculture, like the Presbyterians. Besides, the appropriation of the surplus, whose future existence was so problematical, to purposes of general education, was precisely similar to that of the funds placed at the disposal of the Commissioners of national education. No distinction of religions was to be made. Now, the most strenuous and the longest continued opposition to the national system came from the Presbyterians—that opposition was not yet withdrawn, and it was little likely they would ever sanction with their approbation the proposed application of the revenues to be diverted from the Church. It was true these two bodies, the members of the establishment and Presbyterians, were a minority in the country, were as one to four-and-a-half—but they were the possessors of eleven-twelfths of the landed property, and of a vast proportion of the capital employed in commerce; therefore, their voice should be listened to in such discussions. It was actually their possessions which were taxed for the support of the Church.—The Roman Catholics were next to be considered. Would they be satisfied? The House had already heard from the hon. and learned Member for Dublin, and several other gentlemen who said they represented the Roman Catholic feeling of Ireland, that this measure was received by them only as an instalment—as the delayed payment of a part where they have a right to the whole, which whole they were determined to extort so soon as circumstances permit, to the very uttermost. On this ground mainly he based his objections to the Bill. It would satisfy no party, and produce no peace. This was his conviction, and also, he well knew, that of a vast majority of the resident landed proprietors of Ireland, of men of varying fortunes from the amplest down to very moderate incomes, unconnected or little connected with Administrations, with the Court or the Aristocracy, who formed a respectable portion of those middle classes in whom the intelligence and the real power of society reside, and who, bound by constant residence, and every tie of interest and affection to Ireland, looked upon the Bill with mistrust and disapprobation. They considered it an infringement of the Act of Union—they dreaded it as a shock to the rights of property in a land, where those rights have never been too well respected. They regretted to see the clergy of the religion they revered, diminished in numbers, and everywhere impoverished and under-paid, while the Church itself became the dependant and stipendiary, instead of the equal and support of the state. And they most deeply regretted to think all this would be done in vain, for they knew too well the state of the country, and the feelings of those with whom they had to deal, to expect that the Bill, if carried, would attain anything but a delusive and transitory calm in the storm of violence and encroachment. Without imputing submission to dictation on the part of his Majesty's Ministers, he must say, that they had leant too much to those who appeared as the Roman Catholic party. Perhaps it was natural for them to do so, to have a bias towards those who gave them powerful support in that House—certainly in framing the measure, the leaning was too apparent—that party had carried into it all their own views—they were, it must be recollected, the declared enemies, not merely of the Protestant Church, but of the Protestant population of Ireland—had introduced into them discussions, ancient animosities, almost national hatreds, which should have long ago been buried in oblivion, and had imbued the measure so strongly with their wishes and opinions, that it had lost the semblance of that impartiality and fairness which should have characterised it. He (Mr. Young) had witnessed so much of the excitement caused by the agitation of the Church question in Ireland, and so many of the outrages, and even bloodshed, consequent upon that agitation, that he was most anxious to see it adjusted. He had scarcely set a limit in his own mind to the extent of the sacrifice he was ready to make, in order to lend his humble aid to that adjustment—he had therefore been deeply disappointed when Ministers produced a Bill, whose merits were so completely outweighed by its unjust and oppressive tendency as that before them.—Therefore, though most anxious, on every account, to see intricate and long agitated questions set at rest, though any delay would leave the Protestant clergy still unprovided, and in distress, and cause another winter to elapse, marked like the preceding, by outrage and calamity—yet he could not vote for the Bill. He would sooner hazard all those miseries, than vote for a measure, which deviated from those principles of honesty and justice, on which, alone, the legislation of a country could be permanently or safely carried on.

Mr. *Borthwick* said, that the spirit of the Bill did not confine its mischief to the sphere of the Irish Church alone, but was calculated to increase and extend political and religious agitation, and to destroy eventually the Legislative Union which existed between this country and Ireland. It was a Bill which would be unintelligible but for the resolution which preceded it; but its principle and operation were capable of being traced by means of that Resolution. The supporters of this Bill said that it was calculated to pacify Ireland, and yet its provisions were of a most inconsistent and contradictory nature, and such as could, by no possibility, be looked upon as final. If it were proposed that the Protestant religion should cease to be the established religion of the land, and that Roman Catholicism should be set up in its place, he could understand that as a final measure; but a measure such as this, fluctuating according to the number of Protestants in a given parish, furnishing a clergyman where there were fifty Protestants in a parish, and removing him when the number fell anything short of that, was only to propose a source of continual agitation, as the result must necessarily prove. The noble Lord who brought forward the measure had invested himself with the mantle of prophecy, and, gazing into futurity, said that he saw many monsters, and much of misery in the vista, if this Bill should be rejected—that it would strengthen the hands of those who sought the repeal of the Legislative Union. Now he (Mr. Borthwick) saw, in the passing of this measure, much more likelihood of advancing the question of Repeal. By the tenth article of the Union the safety of the Established Church was provided for, and here were Ministers endeavouring to pass a measure by which that article was repealed, thus, of themselves, partially repealing the Legislative Union. Where was the consistency of such conduct? He hoped that he was pursuing a legitimate course of argument. The hon. and learned Gentleman, the Member for Dublin, in speaking of this Bill, said that he accepted it as an instalment of the whole amount, as 6*s.* 8*d.* in the pound. Now, Ministers, in repealing the tenth article of the Union, paid an instalment on that debt, which the hon. and learned Member would accept also, not only in the light of an instalment, but as an acknowledgment of the entire debt. The Bill, then, in the first place, admitted the principle of the repeal of the Union, by repealing one of its articles; and it, in the next place, admitted another principle, namely, that number should be the criterion by which to support the Established Church. Now, pushing this principle further—and who could doubt that, when once admitted, it would be pushed further—why, if number was to be the test for a parish, should it not be the test for the entire country? This would be the result of such a principle when carried out to its full extent. Now, had the measure proposed during the Administration of the right hon. Baronet, the Member for Tamworth been carried into effect—if in the year 1836 there were no sinecures to be found in the Established Church in Ireland, no absenteeism, or any other abuses—if there had, in short, taken place a thorough reformation in that Church, what argument would be left for the hon. and learned Member for Dublin upon which to found his call for Repeal? Were the people of Ireland so insensible to the advantages accruing to them from the Legislative Union that they would be glad to seize upon any pretext to urge on the agitation of a question from which already so much mischief had arisen? That, indeed, would have been a reform, and a final adjustment of the measure. He would not enter upon the question of surplus, which had already been so ably treated in the unanswerable and unanswered speech of the right hon. Member for Tamworth, to which not even a shadow of reply had been made; neither would he enter into any theological questions with regard to Catholicism in Ireland, nor contrast it with that which dispersed the errors by which Christianity had been clouded, and put an end to the vilest tyranny that ever existed, *viz.* the tyranny of Popery. He meant no offence to Roman Catholic Members, for he believed many Irish Catholics would admit that he who humbly called himself the servant of God's servants had been the tyrant of the tyrants of the earth. Had any change come over the spirit of Popery? If the Irish Church was not Roman, then it was the Catholic Church of Ireland, and not the Catholic Church. Then, if so, here were two universal particulars—the universal particular Church of Ireland, and the universal particular Church of Rome. How could it be pretended that this measure could make the Established Church of Ireland more efficient, when it took from its Ministers; or how could a measure fluctuating, and provocative of agitation, be called final, and productive of peace? But then the Roman Catholics were to be conciliated by devoting a surplus to the general moral instruction of the people. For his part, he knew of no moral apart from religious instruction, and he asked what creed it was proposed to teach them? If no particular creed was proposed, if the natural theology of Lord Brougham was intended, he could assure them that this was unnecessary in Ireland. The people there acknowledged the existence of a Deity. If, by moral education, religious was to be understood, how could it be arranged? No Roman Catholic would send his child to a school where it was likely to be contaminated by what was considered heretical doctrine; and he, for his own part, conscientiously believing in the Protestant religion, would not suffer his child to run the hazard of imbibing the doctrines of those who believe *quia impossibile est.* Neither would he run the hazard of having him adopt a religion which, according to one of its schools, admitted that a certain portion of evil might be done, that a great good might follow. This was the doctrine of one of its most respectable schools. He did not mean to attribute it to Roman Catholics generally, nor did he mean to insinuate that they had no regard for an oath, for even the doctrine of the Jesuits, or of Loyola himself, did not go to this extent. Their doctrine was, that to save an immortal soul, you might say that which was not true, for the purpose of bringing that soul within the limits of Catholicism. He believed the doctrine extended no further, and that the permission did not hold under any other circumstances than to pluck from the burning one immortal soul. Knowing this, he would not send his child to a school where such doctrines were taught, and he felt that all really conscientious Roman Catholics must have the same objection to a Protestant teacher. This proposition for general instruction, then, was but a hollow covering for the new principles introduced by this measure; and he feared pretences most when they came under the mask of liberality. He believed that the best possible engine to wield was real reform, when it merited that title, and that nothing was a worse engine when it was made to serve only as a covering for the work of destruction. The people of Ireland, according to the declaration of the hon. and learned Member for Tipperary, were rebellious, for he stated, that this measure must be passed, or the foundation of the Throne would be unsafe; and asked, what was this but telling the House that it did not possess the power to legislate for Ireland? He would predict that within one year from that moment in which he was speaking, that giant power, which on the opposite benches was beginning to press upon those who now supported it, would come upon them to crush the Constitution, not merely as it was to be found with reference to England and Ireland, but as it was to be found in the union of Church and State.

Mr. *Sharman Crawford* observed that it was with extreme regret that he opposed any measure emanating from his Majesty's Government, but he objected to this Bill, not on any of the grounds that had been stated by hon. Gentlemen who had gone before him. He was opposed to it because he thought that it was in its enactments too partial to the Church, and did not give the great body of the people that relief to which they were fairly entitled.—He would not then say any thing with reference to the Catholics, but he had no hesitation in declaring that no measure would be satisfactory to a large portion of the Presbyterians of the North of Ireland which did not relieve them entirely from the payment of the Ministers of the Established Church. In proof of this he could refer the House to several declarations that had been lately made on the subject by that class of persons. Before he had the honour of representing the borough of Dundalk, he had received an address from the majority of the constituency of that place, in which this principle was clearly stated. Previous to his election he had stated his concurrence in it, for he had long entertained a sincere conviction on the subject. He had given no pledge when he was elected, but he saw no reason to disavow his opinion. He could not help feeling that if the tithes were rightly apportioned, the Church would not receive above 40,000*l.* a-year, one-fifth of what was proposed to be given to them. The hon. Gentleman concluded with moving the following Resolution, saying he should leave it to the Speaker to decide whether he was at liberty to move it at the present stage of the Bill. "That, in the opinion of this House, it is unjust, and consequently detrimental to the true interests of the Protestant Established Church, that tithes or any compulsory assessment of any description should be levied generally from the people or from the lands of Ireland for the support of that Church, the members of which amount only to about one-tenth part of the population; it is therefore expedient that tithes and all composition for tithes should cease and be for ever extinguished, fair compensation being made for all existing interests: and that the sums necessary for such compensation should be raised on the security of an annual tax to be imposed upon profit-rents in Ireland, of such amount as may be necessary for discharging the interest and liquidating the principle of such debt within a limited time; the proceeds of such tax to be afterwards applied to the education of the people, the relief of the poor, or such other general purposes as Parliament shall direct."

Mr. *Anthony Lefroy* said, that he thought that those hon. Gentlemen who agreed with him in opposing the Bill for the Reform of the Irish Church, as proposed by the noble Lord, the Secretary for Ireland, had reason to thank the hon. Member who spoke last for the bold and straightforward manner in which he expressed his desire to deprive the Established Church of all its revenues, as those who differed from him could not mistake his intentions, or be led astray by false promises. He even considered him as a useful ally on the present occasion, as, by the Motion he had made, he had put to flight the hopes held out by his Majesty's Ministers, that this measure would be considered by all their supporters either an adequate reform or a final settlement. No further than this did he wish to associate himself with the opinions or sentiments of that hon. Member, and he still more rejoiced to think that whatever a majority of the present House might decide, still the great body of the English nation would not concur in his views. He did not propose now to add any arguments to those which had already been brought forward so ably against the principle of this Bill, which unanswerable and unanswered as they were had failed to convince. He knew any effort on his part would be vain indeed. For the same reason he would not occupy the time of the House by stating additional instances from the Report of the Commissioners, though many there were, to prove how those who were intrusted with this Commission could exercise its power to the destruction of the Irish Church, particularly when he recollected the reply of the noble Lord in the striking case of the parish of Collon, as described by his right hon. Friend the Member for Tamworth, when he defended the Bill, by stating, that though, as in that instance, a clergyman having the spiritual care of several hundred souls, might be reduced from an adequate income to 12*l.* per annum; yet, as the Bill did not render it absolutely necessary, but only left it discretionary to do this, it should not be opposed. It was on the very ground that he objected to the placing this discretionary power and responsibility in the hands of any set of men, that he opposed the Bill, especially in the present state of Ireland, when men's judgments were liable to be influenced by threats, intimidation, and the grossest misrepresentations. Whilst, however, he abstained from entering more fully into these topics, he had a sacred duty to perform, and that was, on his own part, as well as on the part of those who had selected him to express their opinions in that House, to protest against the principle of this measure, which invaded in an unexampled manner the rights of property and gave the colour of law to confiscation and robbery. He would put it to the House was he not justified in so describing it, when it deprived the Protestant Church of Ireland of the revenues belonging to two-fifths of its parishes, to apply them to other than Ecclesiastical purposes, whilst a large proportion of the working clergy were destitute of the means of even a decent subsistence? and, was he not justified in saying that the hopes that were held out by the Government, as to its being a satisfactory or final reform were delusive, after the speech which they had just heard, and still more after the speech of the leader of the movement party in that House, who declared, "that he accepted it as affording means of obtaining more." With respect to those declarations he had nothing to say, nor even to the speech of the hon. and learned Member for Dublin, who, in a tone and manner insulting to every Protestant, ridiculed the idea of an Established Church being maintained at all in Ireland for the Protestants. These hon. Members declared themselves now openly for plunder, and they were taking the consistent course to effect their object; but in what light could he regard the consistency or the honour of his Majesty's Government, and of the noble Lord their leader in this House, who professed to preserve, and to coincide with the right hon. Member for Cumberland in opinion that the Protestant Church had been established by act of union — "that the property generally was in the hands of Protestants." and that "no Church Establishment could be really considered efficient unless religious worship was brought home to every man's door." He must say, their conduct had not the credit of being open and straightforward as of those hon. Members, whilst it was equally calculated to promote their wishes. The noble Lord gave as a reason for supporting this Bill, that great abuses existed. His reply to this was—reform them — but recollect "real reform commits no wrong, does no injustice." Make the establishment as efficient as possible for promoting its moral influence, and its religious objects; increase the working clergy, build glebe-houses, and give means that the parsonage house may be considered, as it has been well described, "a place of mercy; a house of refuge, the very light of which should be pleasing to the poor and desolate." He would give an instance where not only the poor Protestant might be disquieted, and deprived of the benefit of religious instruction by the working of this Bill, but where it would commit a manifest injustice towards the Protestant gentry. He would suppose a case of a gentleman becoming entitled to an estate in a parish in the South of Ireland, where there were few Protestants, and little inducements to reside; he, however, thinks he has an important duty to perform, but before expending his money in building and improving his estate, he inquires if his children and family can have the advantage of the religious instruction of a Protestant pastor; on ascertaining this to be the case, he becomes a resident, and affords comfort to all those depending on him; but this Bill will now come into operation, and if that parish happens to contain forty instead of fifty Protestants, the Commissioners have the power of depriving that Gentleman of the benefit of a resident clergyman, whilst he remains subject to the tithe which he had voluntarily undertaken for such spiritual advantage. Surely such an injustice may take place, and is calculated to fill with alarm every man who truly values his religion, and knows the comforts it imparts. He could not conclude these observations without expressing his deep regret at the opinion expressed on a former night by the noble Lord, who, on introducing his Bill, stated "that the only intelligible ground on which an established religion could rest, was on its being the opinion of the majority." If this meant anything, must it not go to the length, not only of ad-admitting that the Protestant Church must be pulled down, but that the Roman Catholic must be established in its stead, as the majority in Ireland are admittedly Roman Catholics. The noble Lord further said, that an establishment was not for the exclusive benefit of the Protestants, but to teach those truths in which all agreed. He certainly felt startled and amazed by such an opinion, coming from the noble Lord with whom at present rested the destinies of the Protestants of Ireland; but there was, he rejoiced to think, opposed to it the opinion of a noble Lord, the Member for South Lancashire, in which he was sure the British nation would fully concur. That noble Lord stated, "that an Established Church is upheld in order that there should not be a single spot out of the reach of the ministers of the national religion, in order that the services of that religion may be duly performed, and its doctrines taught, without any admixture of error; and he considered the present Bill a plan for appropriating the revenues of that Church, not to its own purposes, but to that of the Roman Catholic Church." He entirely concurred in these sentiments, so ably expressed, and he would entreat the attention of the House to the opinions he had expressed, not merely as the conviction of his own mind, but as held by the great portion of the loyal people of Ireland, who, he feared, would be driven to despair if this Bill became the law of the land.

Colonel *Verner* said, after the lengthened discussion which had taken place upon this Bill, he should not have felt justified in troubling the House with any observation of his own, had he not this day presented thirty-four petitions against it, and concurring as he did in the prayer of those petitions, he felt he should not be discharging his duty towards those persons who entrusted them into his hands, were he to permit this Bill to be read a third time without expressing his opinion with regard to it. He thought it right to state to the House that those petitions were most numerously and most respectably signed. One was from the grand jurors, magistrates, and gentry assembled at the last assizes for the county which he had the honour to represent; the others were from parishes, and contain, many of them, from 1,000 to 2,000 signatures. What he would particularly call the attention of the House to was, that they were signed alike by Protestants of all denominations, in some instances by Dissenting Ministers —all anxious to testify their abhorrence of this obnoxious measure. He had observed, in many instances, hon. Members state to the House—more particularly some hon. Members from his country—that they supported the Bill as Protestants. It was not for him to question the purity of any men's intentions; it was not for him to say that he doubted their sincerity when they stated that they thought they were benefitting the Church; but he had an equal right, as a Protestant, to express his opinion—and, as a Protestant, he had no hesitation in saying that his belief was, that the passing of this Bill would tend to the overthrow of the Established Church in Ireland — the extirpation of Protestantism from that country, and the substitution of Popery in its place. It was quite impossible not to see that the arguments of the right hon. Baronet who moved that the Bill be divided into two were considered as admitting of only one answer; that answer was given by the hon. and learned Member for Dublin, and by the hon. and learned Member for Tipperary; the answer was—not that the Bill would serve the interests of the Church or religion; it was confessedthat if the necessities of religious worship were provided for, there would not be a surplus, there would be a deficiency. The answer was not that the adjustment would be final. The representative of the Irish people has long since and often declared that he accepted such a measure merely as an instalment of his demands. The hon. Member for Middlesex, in the course of the debate, made the same acknowledgement. What then was the answer to the proofs of the right hon. Baronet that the Bill was calculated to destroy the Church. It was the answer of intimidation. "We are," said the hon. Member for Dublin, with all the display of triumph which physical strength supplies — "we are six millions and a half"—and, therefore, because these six millions and a half demanded the destruction of a Church, which the Protestant Members, in their simplicity, thought the hon. Gentleman had sworn to defend, the future revenues of the Church Establishment were to be confiscated. When such threats as these were held out, he would put it to the common sense of Englishmen—he would put it to their calm consideration, could they wonder if Irish Protestants should feel hurt—there was no security for their existence, and that, as a matter of course they should unite for their mutual protection. It was very natural and very consistent in the hon. Member to offer his argument of millions in answer, if he might so express himself, to the unanswerable arguments of the noble Lord and the two right hon. Baronets who spoke on his side of the House. But he met his menace on the part of the Protestants of Ireland, and told him they had encountered greater dangers than any person in that House had reason to apprehend from the threat of his boastful millions, and they had overcome them. And he would say to his Majesty's Ministers, that if they would treat that hon. Member's threats in like manner as they were held by the Protestants of Ireland, and not allow themselves to be led as they were by that hon. and learned Gentleman, they would consult more the peace of the country—the interests of true religion — and prevent that effusion of blood which must inevitably follow the passing of this measure; for the Protestants of Ireland would only part with their religion with their lives. He thought it his duty to make those very few observations, and he had only to add, that if the last struggle were to come—and he feared the time was not far distant—and if England could forget those who had never been false to her, they would be true to themselves, and, uniting more closely, should reply even to the threats of this boastful six millions as their forefathers did—and, as they did, leave the result to God.

Mr. *Hardy* said, that if it were the principle of the Minister that an Establishment was only the means of inculcating religion, (in which he entirely agreed) the Bill, so far as related to the Appropriation Clause, was in utter violation of that principle. The whole argument of Gentlemen on the opposite side of the House proceeded on the assumption that an Establishment was only for the purpose of carrying on public worship to those who professed the religion of that Establishment; that was what he (Mr. Hardy) denied; he considered the Establishment as the means of carrying religious instruction to those who were of a contrary religion. What was the moral and religious instruction which it was intended by this Bill to introduce? He, of course, presumed that if noble Lords were sincere in their professions, the Protestant religion would be that which they would wish to favour in preference to any other, and they would direct their efforts against the corruptions against which they themselves had protested. But what did the Bill do? He expected a Bill which would do away with all the existing abuses of the Establishment; which would abolish Pluralities, non residence, and all the corruptions which had produced so much of well-grounded complaint. But the Bill contained not one single provision for improving the machinery of the Church, as a means of religious instruction. On the contrary, he found the baneful principle of numbers pervading the whole arrangements, so as to take away the only life which existed within it. Had their ancestors argued so at the Reformation would not this country have been at this moment Catholic? If numbers had been the criterion then, this country would not now have been Protestant; but it was because the religion of Protestants contained the injunction to go out into all the earth and preach the Gospel to every creature; it was because that commission had been carried into effect that at this moment, instead of here and there finding an isolated Protestant, they found whole kingdoms, and among them, most prominently, that in which he had the happiness to live. They were then bound to try the experiment of making the Established Church as efficient as it could be made before they thought her useless. But the House had been told by the hon. Member for Dundalk that the hon. and learned Member for Dublin had held forth the assurance to the Irish people that tithes should be entirely abolished. The hon. and learned Member said, (on a former occasion) "Make adequate provision for the spiritual wants of the Members of the Established Church, and we only ask of you the remainder for the moral and religious instruction of the rest of the population." But he (Mr. Hardy) did not acknowledge the hon. and learned Member as a fair judge of what was "adequate provision for the Established Church." Indeed, he was of opinion that considering as the hon. Member did, Protestantism to be heresy, all the hopes in his bosom must be set upon its final and utter extinction. He had been told, on distinguished authority, that there would be no surplus. But he for one knew perfectly well that although there might be none, now the noble Lord was pledged to a surplus, that the noble Lord must find one; and after what had fallen from the lips of the noble Lord, the Irish people would not be satisfied till they had found not only a surplus, but a surplus constituting the whole revenues of the Irish Church. He had been taunted by the hon. and learned Member for Dublin for making his religion of pounds, shillings, and pence. He denied that he did so; or that he stood up for the clergy or the Church, taken separately and distinctly, but only as the means of propagating religious truth. And if the noble Lord met him with the difficulty with which he had met the hon. and learned Member for Bandon the other night, viz., "Who, when all are fallible, is to decide what is truth in religion?" he could only say, he agreed entirely with the noble Lord inasmuch as religious truth could only be discovered by Revelation, consequently that the man was in the best way of getting at truth who searched the whole Bible, instead of shutting it up. But that was actually the difference between Catholicism and Protestantism; a difference which was recognised by the Dublin Board of Education system, for in that shameful compromise (as he must call it) with Catholicism, the very first principle of Protestantism was violated—that the whole Bible should be laid open to every creature; so that it was an instruction which could neither satisfy Protestants nor Catholics, except inasmuch as it conceded the principle to the latter that the whole Bible was not necessary. He was at a loss to discover on what grounds this compromise was founded; for, as the hon. Member for Kilkenny had said the other night as the first destination of the "Reserve Fund" would be to those parishes from which the Protestant minister had been driven, (under the Clause relating to fifty Protestants) certainly, after driving away the Protestants from the parish they would have no right to say to the Catholic, "You may have a modified instruction in religion." Having conceded a part, the Catholic might just as well demand the whole, and say, "No, I will teach my children as I think proper." That was the fair inference from the situation in which the Bill placed the Catholics. The hon. Member for Dundalk had said he would not touch existing interests; but he (Mr. Hardy) considered they were not so much to consider existing interests as the interests of religion and of truth, and the best means of inculcating and propagating both. He did not wish to force or coerce those who differed from him; he only said, "there is the Bible if you choose to read it." Or he would send ministers and readers from house to house teaching them verses from the word of God; and if by those means he could not convince them, then, and not before, would Church. He would first make it as efficient as possible, and would not give it up till he was convinced that it was inefficient. Those were his feelings with regard to the Bill; and he must say in conclusion he was surprised to see Protestant Dissenters supporting a system by which all the advowsons were to be purchased, and all the lay-patronage of the Church of Ireland was to come into the hands of the Crown. When the hon. and learned member for Dublin put them in mind of the Scotch Covenanters resistance to Episcopacy, he ought to have reflected that they considered the Liturgy as a species of mass, and that it was not so much to the doctrines of the Church of England as to its ritual which they objected as savouring of Popery. But Ireland was in very different circumstances. In this Protestant country, and with a Protestant king, this measure was one which our ancestors would have resisted as prejudicial to civil and religious liberty. On these grounds he objected to the Bill, and to it he never could consent.

Mr. *Scarlett* said, that if the object of the Government had been to conciliate the support of a certain party in that House, and in Ireland, they could not have pursued any course that was better calculated to attain that object than the one they had taken. They seemed altogether to disregard the interests of the Established Church, and their object seemed to be, not in future to govern Ireland by means of the Protestants, but through the instrumentality of Roman Catholics. This, however, he believed to be as unjust as it was impracticable, and therefore he felt bound to give his strenuous opposition to the measure. An observer of passing events might, without any difficulty, perceive, that the party most hostile to the Protestant Church now considered themselves upon the verge of obtaining ascendancy in the country. What might be expected from such a party was to be collected from the arrogant letter which the other day was addressed by a Catholic Bishop to the foreman of the Grand Jury in Wexford. Under all the circumstances he could not but give his earnest opposition to the Bill before the House.

Mr. *Robinson* denied, that those who supported the Bill were disposed to abandon the Protestant Church, still less to hand it over to the Catholics. What was there in the state of things throughout Europe which could lead them to expect a Roman Catholic predominance in this country? The influence and power of the Pope in Europe at the present day was imaginary; in Ireland, indeed, if it existed, it arose from the divisions which distracted that country, in consequence of the religion of the state being opposed to the religion of the majority of the people. There was nothing in the Bill affecting the connection between the Protestant Church and the Government of the country—that was preserved in all its integrity. No man could be more anxious than he was to oppose the establishment of the predominance of the Catholic religion in Ireland or this country.

Mr. *Shaw* said, that much as he was opposed to the leading principle of the Bill, he would not in the then thin state of the House, which could afford no real test of its opinion, put hon. Members to the trouble of dividing; and as neither the noble Lord, the Secretary for Ireland, (Lord Morpeth) nor any Member of his Majesty's Government, had said a word on the present stage of the measure in its justification, he did not feel it necessary to repeat his various and strong objections to it; the more particularly, as he had recorded them on the journals, upon the bringing up of the Report last Friday. He had then moved such Amendments as he considered were calculated to improve that portion of the Bill, which related to the settlement of the tithe question, and had proposed the omission altogether of those Clauses which appropriated the property of the Church to secular purposes, and contrary to the principles and practice of our ancestors, enacted means for impeding and preventing, as far as legislative interference could, the extension of the reformed religion in Ireland. He must bear testimony to the candour of the hon. Member for Dundalk, (Mr. Samuel Crawford), and to his consistency in maintaining that nothing short of the abolition of the Established Church in Ireland would satisfy the Roman Catholic population of that country; and, further, he coincided with the hon. Member in thinking, that the principle acted upon by the Government, if just to any extent, went that entire length;—and that, while it was an intelligible principle, that you should maintain a particular form of religion in any given district, because it was the established religion of the country, yet, that there was no charm in the number of fifty. For that purpose—and that such a principle was quite unintelligible, the hon. Gentleman had also admitted his willingness to preserve to present incumbents their existing interests. That had caused him, while the hon. Gentleman was speaking, to turn to two letters which he had about him, as a proof of the high and independent spirit which actuated the Irish clergy on that point, and to which, as a sample merely of the feelings of the great majority of that exemplary, though persecuted, body, he would beg leave to refer. The first was written by a friend of his from Dublin, covering, as the letter itself stated, "the memorial of an unfortunate clergyman, requesting attention to the case of his two sons, who, some months before, had left Ireland to seek their fortunes in the Canadas." The writer continued, "I can add, from my own personal knowledge, that this Gentleman, entirely dependent upon tithes, has, during the last three years, scarcely eaten any animal food." [*A laugh from hon. Members.*] "Good God!" said the right hon. Member "is it possible that party prejudice or religious animosity can have so withered the feelings of common humanity in any hon. Member, as that he can laugh at such a recital as that?" "He," the letter went on, "was obliged to give up a policy of insurance on his life, and is at present in a declining state of health, in consequence of severe mental suffering. One of his children (he hoped there would be no more unfeeling laughter at what he was then about to read,)—one of his children had lately died of consumption, her case requiring those luxuries which his situation would not allow him to procure for her. The characters of his sons," in whose behalf the application was, "are unexceptionable; they have had a University Education, and the office of clearing woods is very unsuited to young men of their gentlemanlike appearance and habits." Yet, the men, under such afflicting circumstances as those, would not consent to a Bill which secured him in his own income for life, because it contained a principle which conscientiously he could not sanction. The other anecdote he had received from a clergyman well known to him, in the diocese of Leighlin, and he would read it in his words:—"During the last week I sent a petition through this diocess for signatures to the different clergymen at their respective residences. My messenger in a remote district inquired for the residence of the vicar of the parish, and was shown a small cabin on the side of the road, and told that the vicar was in an adjoining field. My messenger requested his informant to accompany him in order to point out the place, and having come in sight of the field, said, 'there is the clergyman.' Where, said the messenger, for I only see a man digging drills (meaning drilled potatoes) with his coat off. That is the very man, was the reply, and from this occupation the vicar returned to his residence and signed the petition." [*Cries of "Name!"*] No, he would not give the name in public, but he should be happy to place the letter in the hands of any gentleman in private. If that independent man, deprived of his lawful income, was ashamed to beg, and still could, and was willing to dig, he felt it was no degradation to that Gentleman; but the reverse; still it might hurt his feelings to have his name brought before the public. [Mr. *O'Connell:*—the date?] The 27th May, 1835. And what was the petition that man came in to sign; and returned cheerfully to his humble employment again? A petition against a Bill which was to have provided for himself for life, but which he scorned to accept, because it recognized a principle subversive of the Church of which he was a Minister. He (Mr. Shaw) confessed he had an honest pride in referring to disinterested conduct and sentiments like those. He had presented petitions signed by, he believed, almost every clergyman in Ireland against that Bill, and let it not be supposed, that the clergy were unwilling to make a liberal sacrifice of their own rights in order to the satisfactory and permanent adjustment of the tithe question, or that they were hostile to real Church Reform—to the dissolution of Unions—the discontinuance of pluralities—the enforcement of residence—the better distribution of Church income. The truth was, those things were all being done; and the Bill did not advance them, but on the contrary, would impede their progress. Neither did he affect to say, that body of suffering men were indifferent to the loss of their lawful property, or the privations and sufferings they were undergoing—all he did maintain was, that in a spirit of martyrdom that would have done honour to the best days of our Church. They were ready to bear all rather than sanction a principle which they held to be contrary to truth, and destructive to the interests of genuine Christianity. No body of men in the community so much needed personal relief; yet they were ready to lay down their lives rather than betray the sacred cause which their holy profession, and the law of the land committed to their charge. That spirit he (Mr. Shaw) trusted would guide the deliberation upon that measure elsewhere, and he was persuaded the good sense of the people of England would approve the course that it would dictate.

Mr. *O'Connell* did not mean to enter into the debate; but merely wished to call the attention of the House to the melancholy tale of the clergymen. One of the letters was written so far back as May last, and the right hon. Gentleman must have been aware that the distress of this clergyman need not have been so great for he might have availed himself of the benefits of the Million Act. [Mr. *Shaw:* So he did.] And then the other letter gave an account—a pitiable account—of a Vicar digging his own potatoes in May. Who ever heard of digging potatoes in May.

Mr. *Shaw:* The expression in the letter was, "digging drill;" and he gave the hon. and learned Gentleman the full benefit of his *nisi prius* point of distinction, whether the clergyman in question was putting potatoes into the ground, or taking them out. But he (Mr. Shaw) would put it to the feeling of the whole House whether it was not monstrous that the hon. and learned Gentleman should thus add insult to the various injuries he principally had inflicted on the Irish clergy, and have the cruelty to deride the unexampled sufferings of which the hon. and learned Member had been, he might say, the whole cause. He only hoped, that some hon. Members opposite, differing from him in politics, would allow him to place those documents in their hands—though, indeed, he trusted they knew him to be incapable of imposing on the House by any statement not well authenticated.

Mr. *Twiss* said, that on a former occasion the noble Lord opposite declared, that the people of England would not support a revolution every year. The noble Lord, however, now appeared to think, that they would not object to a revolution every other year. The noble Lord himself thought, in 1833, that the principle of this measure was revolutionary but in 1835, his opinion appeared to have undergone a very considerable change. The hon. Member read several quotations from the speeches of Lord Althorp, to show that his Lordship was then opposed to a principle, which was the same as the one embodied in the Bill before the House. The hon. and learned Member then entered into a series of calculations to prove that there was no surplus of Church Temporalities in Ireland to deal with, and, consequently, that Government were labouring under a delusion, or endeavouring to delude the public mind, when they talked of a new appropriation, of such a surplus. He contended, that the preamble of the Bill was not borne out by the provisions of its subsequent Clauses. The preamble, after stating, that there were some livings in Ireland, the emoluments of which were too large, and others in which they were too small, proposed to remedy that evil; and then, after the Church Establishment had been duly provided for, to apply any surplus revenue which might remain to the purposes of education, &c. But was this preamble borne out by the Bill? No. The larger benefices were to be reduced by it, and some to be totally abolished; but other benefices in which the stipend was too small, were not to be ameliorated. Therefore, he maintained that the preamble of the Bill was not borne out, inasmuch as adequate provision was not made for the Established Church in Ireland.

The Bill was read a third time and passed.

STEAM-VESSELS' PILOTAGE BILL.] Mr. Callaghan moved that this Bill be committed.

Mr. *George F. Young* opposed the Motion, and objected to the Bill on the ground that it was a partial measure intending to apply to three or four particular ports, and that it ought not to be entertained by the House, inasmuch as a Commission had been appointed to inquire into the subject of pilotage generally, with the proceedings of which Commission this Bill would interfere. He moved that the Bill be committed that day three months.

Mr. *Robinson* seconded the Motion, and contended that the Bill ought not to have been brought forward until the Commission now sitting on the subject of pilotage had made its Report. At the same time he did not oppose the Bill because he considered it objectionable in principle, but from the circumstance he had stated.

Mr. *Warburton* defended the Bill, and could see no reason why it should be opposed because a Commission had been appointed on the subject of pilotage generally. He could not see in what way the present measure could interfere with the proceedings of the Commission, and he hoped his hon. Friend, the Member for Cork, would press his Motion.

Mr. *Callaghan* said, that the Bill had met with very general approval, and amongst others who sanctioned it was the right hon. the President of the Board of Trade, who was very desirous that it should be passed. The object of the measure was to relieve the steam-vessels plying to the ports of Liverpool, Dublin, Belfast, and Derry from the compulsory payment of pilotage dues. The noble Lord who presided over the Royal Commission which had been issued on the subject of pilotage, had also expressed his approbation of the Bill, and he believed the Members generally, who composed the Commission, were friendly to it.

Mr. *Robinson* said, that he was a Member of the Commission in question, and was not aware that the Bill had been so approved of. For his own part, he knew nothing about it until the hon. Member for Cork had brought it forward.

The House divided on the Amendment; Ayes 2; Noes 73; Majority 71.

Bill Committed and Reported.

MR. BUCKINGHAM.] Mr. *Tulk* rose to move for leave to bring in a Bill to provide for the payment by the East-India Company of compensation to Mr. Buckingham for certain losses of property in India. The measure was founded on the evidence taken before a Select Committee, and their Report upon the same presented to the House of Commons on the 4th of August, 1834.

Sir *John Hobhouse* said, that this was a measure involving a demand on the East India Company for some sum from 40,000*l.* downwards, and that it was impossible for him to assent to it without full discussion, which the Motion could not then receive.

Mr. *Tulk* did not wish the Bill to pass without ample discussion, but thought that the debate might be taken on the second reading.

The Question having been put,

Sir *John Hobhouse* said, it was with pain he felt himself obliged to say "no" to the Motion. He objected to the East-India Company being mulcted in a large sum of money because the hon. Member for Sheffield stated that there was a considerable sum owing to him—he objected to a proceeding like this, which, if ever acquiesced in, should be decided on after ample discussion, in a full House, and not hurried over in the present exhausted state of this Session. If the hon. Member persisted, he should certainly divide the House on the Question.

Debate adjourned.

HOUSE OF LORDS,

Thursday, August 13, 1835.

MINUTES.] Bills. Read a third time:—Irish Assizes Removal; Small Debts' (Dublin).—Read a first time:—Tea Duties'; Militia Staff; Church of Ireland.

Petitions presented By the Duke of RICHMOND, from one Place, against the Irish Church Bill.—By Earl BEAUCHAMP, Lord KENYON, Lord LYNDHURST, the Marquess of SALISBURY, Viscount STRANGFORD, and the Bishop of EXETER, from a Number of Places, against,—and by Viscount MELBOURNE, the Earl of RADNOR, the Marquess of WESTMINSTER, and Lord POLTIMORE, from a Number of Places,—in favour of the Municipal Corporations' Bill.—By the Duke of BUCCLEUGH, from several Places, in favour of the Grant for Building Churches in Scotland.

CORPORATION REFORM COMMITTEE.] On the Motion of Viscount Melbourne, the House resolved itself into a Committee on the Municipal Corporations' Bill.

The preamble and title were postponed.

Clause 1 was agreed to.

On Clause 2 being put,

Lord *Lyndhurst* rose, for the purpose of moving the insertion of a Clause in that part of the Bill; but before he proceeded to state to their Lordships the particular nature of the amendment he was about to propose, he was extremely desirous of freeing himself from an imputation which had been endeavoured to be fixed upon him by the noble Viscount at the head of his Majesty's Government. The noble Viscount supposed that he had made it matter of charge against the gentlemen who were appointed Commissioners under the Municipal Corporation Commission, that they entertained a particular class of political opinions. Now he had endeavoured most carefully and most anxiously to guard himself against any such imputation. He had stated then, as he stated now, that it was open to any gentleman to entertain any political opinions which were the result of his own unbiassed judgment, and whether he were a Whig, or whether he were a Tory, it was absurd to make his political opinions the ground of any charge against him. He had never entertained, or asserted, or insinuated, or intimated in any way, any such opinion. He did, however, make it matter of charge against the noble Viscount, and those who formed part of his Majesty's Government, that they had selected one particular description of persons entertaining one particular class of opinions, for the purpose of prosecuting the inquiry into the state of the Corporations. He thought such conduct most unjust, considering that the object of that inquiry was, or that its result might be, to strip individuals and bodies of men of their privileges and of their property. To show that this was a mere assumption on the part of the noble Viscount, and that it had no foundation in anything he had said, he would remind their Lordships that he had referred to the practice of the other House of Parliament on the appointment of committees even for party purposes and party objects, and that he had stated that he did not remember any instance in which a committee was exclusively composed of the members of one particular party. He did not make it matter of charge against those gentlemen, many of whom he knew to be honourable persons, that they entertained particular opinions, but he had made it matter of charge, and he still did make it matter of charge, against his Majesty's Government, that it had selected none but men belonging to one party. So much then for the imputation cast upon him by the noble Viscount. A word or two now with respect to the report, and the evidence received at their Lordships' Bar. Many of their Lordships had attended the inquiry sedulously from day to day. He knew what the result was upon the minds of many noble Lords: he knew what was the result upon his own. He was perfectly satisfied upon the evidence, and upon the result of the inquiry as applicable to the corporations, 31 in number, with respect to which evidence had been given at their Lordships' Bar, that there was no foundation whatever for the imputations cast upon them. The evidence uniformly showed a pure administration of justice—an administration of justice unbiassed by party motives and party views; an administration of justice satisfactory to the people over whom that administration was exercised. This, he contended, was the result of the investigation. Further, again, he would say, with respect to the administration of the funds—the public funds—of the Corporations, that it turned out as the result of the inquiry, that the administration of those funds had been correct and free from all imputation. No misapplication in any one instance had been established; on the contrary, the evidence, as given at their Lordships' Bar, showed it to have been in all cases pure and unimpeachable. Again, the evidence offered at their Lordships' Bar, so far as it applied to the great body of respectable inhabitants of the places inquired into at their Lordships' Bar, showed that the administration of the Corporate powers had been satisfactory to that class of persons. Whether it had been completely and entirely satisfactory to every individual in every place, and to persons of all classes, he certainly should not undertake to inquire; but the question was, were they to be governed by the sense, by the intelligence, by the information, by the respectability of the country—or were they to come to that state to which they appeared to be fast approaching—were they to be governed by ignorance and numbers? That was another very material point of consideration, for the testimony he had referred to was the testimony of the intelligence of the town and the ability of the persons by whom these Corporations had been administered. The evidence had proved it; but their Lordships had better evidence even than the restimony at their Bar, in the manner in which that evidence had been given by the public counsellors of the Corporations, He never saw—and on this point he confidently appealed to their Lordships' recollection—he never saw at their Bar, giving evidence, or in any court of justice, a body of men more rigid, more precise in their evidence, more candid or more fair in every part of their testimony, than those gentlemen, members of the different Corporations, who had given their testimony at the Bar of the House. In addition to this, he was bound to state, as the result of that inquiry, according to the impression on his mind at least, it had shown, in a great variety of instances, a want of care, caution, and accuracy on the part of those gentlemen who were deputed by his Majesty's Government, to make the inquiry. He thought that this was established beyond the possibility of doubt—at least such was the impression on his mind, considering what had been the nature of the evidence with respect to thirty-one of those Corporations. He for one could not consider that a report so framed was a safe foundation upon which to make a great alteration in the institutions of the country—upon which to strip men of their rights and their property. He regretted that his noble and learned Friend (Lord Brougham) was not at present in his place. He regretted it because an attempt—certainly a most dexterous attempt—had been made to put the case in an unfair point of view before their Lordships. What was it? Why that these Commissioners had been put upon their trial, that the evidence had been heard for the purpose of convicting them, that they had desired to be heard at their Lordships' Bar by themselves or their Counsel, for the purpose of answering the charges that had been preferred against them;—when the noble and learned Lord, taking upon himself to speak for the whole House, had refused to admit them to be heard;—and therefore they being the accused culprits, and the House refusing them permission to be heard, nothing could be more unjust, nothing could be more contrary to first principles of justice, than to allow the evidence to weigh at all against them. This was the way, the ingenious, the dexterous, and adroit way in which the question had been presented to their Lordships. But what was the real state of the question? These gentlemen were the paid accusers of the Corporations. They had preferred their indictments against the Corporations, they had preferred charges against them—charges which were to be followed up by disfranchisement and loss of property—and they, the Corporations, therefore, came as defendants against those charges, and prayed to be heard by their counsel and their witnesses against the Commissioners at the Bar of the House. Their Lordships, inspired by that sense of justice which always influenced their conduct, had allowed them to be heard, and the evidence they had adduced had repelled and refuted the charges against them. Surely it would be contrary to the first principles of justice to say that they were not entitled to have the benefit of that testimony? Another accusation had been made, if possible still more extravagant than the position to which he had just adverted. It had been said, in allusion to something that passed yesterday, that when fault was found with the decision of a Judge, before that decision was reversed the learned Judge was applied to, to state the grounds on which it was pronounced; and that, arguing by analogy, the House ought in the present case to refer to the Commissioners who pronounced the decision in question. Why, what was the course pursued on such occasions? The noble Viscount knew well: they applied to the Judge for his report, in order that they might become acquainted with the nature of the case. Why, here they had the report already. The reports were before the House: they had these important materials to guide their opinion. The noble Viscount knew well that if the report obtained from a Judge were a general report, and did not contain the evidence adduced before him, it was matter of course to apply to him for a copy of that evidence. These reports (continued the noble and learned Lord) we contend are unsatisfactory: we apply for the evidence, and that evidence is refused. Such was tbe extraordinary course of proceeding adopted by the supporters of the measure. Such was the line of argument made use of for the purpose of depriving these Corporations of the benefit of that evidence which had been adduced at the Bar in defence of the charges preferred against them. But a further attempt was made. It was said that selections had been made to establish these charges. He had no intention of going through that selection, but he would take a sample of it. The selection was taken as a sample of the whole: it was said to be a specimen of the whole cargo; he would take a sample of the sample, for the purpose of showing how utterly destitute of foundation were the observations tending to show that the charges of the Commissioners had been established. And first, as to the case respecting the Duke of Newcastle: a charge was made against the Duke of Newcastle that he had given an office to a freeman of the borough of East Retford; that that individual had obtained compensation—amounting he believed to 200*l.* a-year—in consequence of having resigned or relinquished that office; and that this was done with an ulterior object, and with a view of promoting the interests of the Duke of Newcastle. This was the charge specifically stated in the report—everybody had read it. A gentleman was called to the Bar, who said he was present when evidence of this transaction was given before the Commissioners, and that it was totally misrepresented. He said that no such thing took place, but that the evidence was, that it was through Lord Grenville's interest in conjunction with that of Lord Fitzwilliam, that the place was obtained. "I heard the evidence," said that gentleman, "and I swear that was the evidence." Now, what was the answer on the other side to this contradictory statement? It was said that some person was present who took down this evidence in short-hand; that this short-hand statement of the evidence was not read at their Lordships' Bar, and that therefore the statement made upon oath by this witness ought not to be received. He was sorry his noble and learned Friend was not in his place. This was the first time he had ever heard it advanced as a position of law, that what a man stated he heard in a court of justice was not to be admitted upon oath, according to his representation, because some other man took down that evidence in writing. Why was the evidence taken before the Commissioners if it were not to be produced to their Lordships? But why was not the evidence taken before the Commissioners by the short-hand writer produced? The thing spoke for itself. For whom did this worthy Alderman constantly vote? For a person in the interest of the Duke of Newcastle? No! for Mr. Compton; the Duke of Newcastle he constantly opposed. There were four or five other cases to which he had intended to advert, but which he was very reluctant to enter into in the absence of his noble and learned Friend. As he saw a noble Marquess opposite, however, who was present when the evidence was taken, he would allude to the next case. It related to a supposed conflict between a prisoner and a magistrate of the name of Slaney. It was stated as matter of charge in the Report, for the purpose of showing how much the magistrates had misconducted themselves, that the magistrate in this instance was found rolling on the floor, in a struggle with the prisoner. A witness was examined who stated the fact, but Mr. Slaney was present, and Mr. Slaney positively contradicted it; that contradiction was communicated to the Commissioner. Did he afterwards examine Mr. Slaney? No such thing; he took no notice of his contradiction; and though it was made in his presence, to him personally, and within his hearing, he reported the charge as a fact, but took no notice whatever of the contradiction. Three witnesses had been called for the purpose of contradicting the statement; they all said that Mr. Slaney was present on the occasion, but that he took no part in the affair, except to order the person Grimes to be carried to prison: the whole of the witnesses contradicted the story. Well, but then it was suggested that the Report might allude to another transaction different from that to which the evidence of the witnesses related. Unfortunately, however, in the printed evidence, the name of Read, the employer of Grimes, the person in question, was mentioned as the master of the individual to whom the evidence applied; thus fixing and identifying the transaction beyond the possibility of doubt or mistake. There was also the case of Sutton Coldfield, which was one of a very singular nature. In that case the charge against the Corporation was extravagant expenditure, in the building and repairing of certain premises. What was the evidence? Why that the property was in Chancery—that the affair went into the Master's office—that he investigated every part of the case

—that he inspected the estimates, and that he, in short, ordered everything to be done that was done. In fact it was shown that the opinion of the Master, who had deliberately investigated the whole matter, was directly at variance with the evidence of the Commissioner, who had taken only a general and superficial view of it. This, however, was not the main point in that case. Some parties had notice of the Commissioners' arrival: they never summoned the Corporation; the persons examined were enemies to the Corporation, and had just been defeated by them in a Chancery suit; they made charges against the Corporation; the Deputy-Steward offered to rebut these accusations, and his (the Commissioners') evidence was rejected. He would cite one case, and only one case more. The question was as to the extent and nature of the population of the county of the city of Coventry, or in other words, the county exclusive of the city. The Commissioners reported—what? That it was almost entirely rural or agricultural. The evidence, and the return of the population Commissioners, showed that the Report in that respect was entirely erroneous—that only 300 or 400 out of 2,500 persons were engaged in agriculture, and that almost all the rest were employed in that peculiar business for which the city of Coventry was remarkable. He would pass over these cases, however; the time for the discussion of them was gone by, and the question for present consideration was as to the clauses of the Bill. He had stated thus much in justice to the witnesses who had been examined at the Bar; and here he stopped on this part of the case. Now, as to the Bill, and as to the Amendment, he was about to propose, he begged to say, in the first instance, and perhaps this might, to a certain degree would, conciliate the good will of noble Lords opposite, that as to the qualification of burgesses, which perhaps was the most prominent provision in the Bill, he did not intend to propose any amendment—at least any amendment on its principle; nor did he believe that any noble Lord on his side of the House would propose such an amendment. He alluded to the clause which gave the right of being burgesses in the new corporate towns to householders rated and inhabitants of the town for a period of two years. Other qualifications had suggested themselves to his mind, and other qualifications had been suggested to him by others; he had considered them over and over again, but he had not been able to satisfy himself that they were so decidedly preferable to the one proposed in the Bill as to induce him to propose any alteration of it. It was not his intention, nor did he believe it to be the intention of any noble Lords who acted with him on that occasion, to propose any alteration, except such as they conceived to be absolutely necessary for the purposes of justice. The first enacting clause of the Bill repealed and annulled all Corporations, or all charters of Corporations, so far as they were inconsistent with the substantive provisions of the Bill. It had struck him, therefore, that this was the proper place effectually to provide for securing to individuals belonging to Corporations their rights of property. If these charters were repealed and annulled, he would not stir one step in the Bill until he found a clause inserted preserving those rights of property which he thought ought to be maintained —rights of property which the freemen enjoyed for themselves, and might transmit to their posterity without limit. He would not infringe upon such rights of property, or upon the regulations of Corporations: he would not consent to transfer those rights of property from the persons who were entitled to them by law, to other persons who were not so entitled to them, from any speculation of the advantage which might result to other individuals holding office under this Bill. They had heard at the Bar much evidence with respect to the nature of this property. He was not now alluding to general corporate property, but to individual and specific rights of property enjoyed by freemen, sometimes as rights of commonalty, sometimes as several rights, sometimes in the shape of rates granted to them for their use, and transmissible by them to their posterity. These were the rights of property to which he adverted. They were not inconsiderable in point of amount, and they were of great value and importance to those who enjoyed them, as would be seen by reference to a few cases. In Berwick-upon-Tweed the annual value of this property was 6,000*l.*; in Beverley, 4,000*l.*; in Newcastle-upon-Tyne, 3,200*l.*; in Coventry, 2,000*l.*; in Sutton Coldfield, 1,000*l.*; in Oxford, 1,000*l.*; and so forth. The whole aggregate amount of this description of property, according to a paper he held in his hand, which was taken from the Report of the Corporation Commissioners, was 26,760*l.* which at 20 years' purchase would amount to upwards of 500,000*l.* or half a million of money. Now, he would not consent to deprive the small proprietors among whom this large sum of money was divided—he would not consent on mere speculation to deprive them of property which they now held under the sanction of what had been hitherto, at least, considered the best possible title, a charter from the Crown, or not merely under charters from the Crown, but in some instances under the authority of Acts of Parliament. He would call their Lordships' attention to a brief view of these cases before he sat down. It seemed to be supposed—indeed he had heard it asserted, there were such wild notions on this subject, that really one scarcely knew how they could have arisen in the mind of any man, that this was all fraud; that the property belonged to the inhabitants at large originally, and that it had become by degrees, and by some secret connivance, vested in select bodies. The Corporation of Berwick-upon-Tweed held its property under charter from James 1st. He specifically granted it for the sole use and behoof of the mayor, bailiffs, and burgesses of Berwick-upon-Tweed. From that period down to the present time it had been enjoyed by them, first as rights in common, and afterwards in severalty according to arrangements among themselves. This property had been the subject of consideration in the Court of King's Bench. A borough-rate was imposed by magistrates on the inhabitants, it was contended that this was public property, and that they had no right to impose a new charge upon the inhabitants until that property was exhausted. The right of the Corporation was confirmed, and it was decided that the inhabitants were bound to pay the charges in respect of which the borough-rate was imposed. Now, here was property amounting, as he had already said, to 6,000*l.* in the possession of about 500 freemen, descending from them to their sons, their sons' sons, and so on, from generation to generation. Why were they to be stripped of these rights, not only with no offence committed, but with no offence even imputed? Why were their Lordships with a strong hand to lay hold of this property and deliver it over to other persons to public purposes? Was there ever such an act of injustice. The next case to which he would beg their Lordships' attention (and he would not trouble them with more than three or four) was that of Newcastle-upon-Tyne, where considerable property was held under the authority of Parliament. On this point he would refer the House to page 1656 of the Commissioners' Report:—" 14 George 3rd. c. 105, " An Act for confirming to the resident freemen or burgesses of the town of Newcastle-upon-Tyne their full right and benefit to the herbage of the Town Moor, Castle Leases, and Nunn's Moor, within the liberties of the said town, for two milch cows each, in such manner as has been used; and for improving the herbage of the said Town Moor, Castle Leases, and Nunn's Moor, respectively.' " Here were rights existing before the passing of the Act, confirmed by the Legislature—rights of the same description and transmissible in the same manner as those in the case to which he had just adverted. Again in Newcastle-under-Lyne, the burgesses were entitled to 205 acres of land contiguous to the town, a very valuable property which they held under the best of all titles--namely, the authority of the Legislature. They were commoners over an immense range of land: an inclosure Act was passed, and this allotment was made to them in severalty under the authority of that Act. The next case to which he should beg leave to direct the attention of the House was that of Beverley, with a range of upwards of 4,000 acres, which were the exclusive property of the Corporation, transmissible in the same way, and held upon the same title —the charter of the Crown. The last case to which he should advert, merely as an example, was that of the town of Coventry. The Corporation of Coventry possessed property of the same description, for which they had been offered 30,000*l.* or 40,000*l.* a sum they had refused to accept. It was property which belonged to them absolutely, and which they could transmit to their children, grandchildren, and descendants without limit. Were they to be deprived of those rights by such a Bill as the present? Was this half-million of money annually divided in all probability between two million of persons to be at once confiscated to the use of the public? Now let the House refer a little to the Bill. What did the Bill do? It confirmed these rights, but confirmed them only to a certain extent. Those actually in possession of these rights as freemen were confirmed in their titles: the sons of freemen born before the 5th of June last were confirmed in their titles also; but any freeman's son born after the 5th of June, any son now born before the passing of the Act, any son hereafter to be born, any grandson or descendant of a freeman, was absolutely barred and deprived of this property. Would their Lordships sanction this infringement of the rights of property to the purposes of that Act of Parliament? To whom was it to be transferred when it was thus taken with a strong hand from those who were entitled to it. To a borough fund for the benefit of the public. Why, show in the first instance that the public have some title or right to it? Would an Act of Parliament have any right to deprive any noble Lord of an estate he might possess in the neighbourhood of a small town, or dispose of it for the benefit of the inhabitants of that town? He asked their Lordships, then, whether there could be a more gross infringement of the rights of property than that contemplated by the present measure? He would not trouble the House further; he had felt desirous to state this part of the case, both with reference to the amendment he should propose, and as the ground on which he brought it forward, in as plain and succinct terms as he could. He was sure that their Lordships would not sanction the clause depriving freemen of their rights, as it then stood; and he felt persuaded that they would, by an unanimous vote, adopt the amendment with which he should conclude. In forming it he had adhered as closely as possible to the terms made use of in the section of the Act which bore upon that part of the subject. If their Lordships would turn to clause 12, they would see that he had adopted, as far as possible, the phraseology of that clause, merely omitting the limitation it contained, and securing to all the parties who either now had, or hereafter would have property in these tracts of land, that property in the same measure and upon the same terms and conditions as if that Act had never passed. The noble and learned Lord concluded by moving the insertion, immediately after the first clause, of the following clause.

"And whereas, in divers cities, towns, and boroughs, the common lands and public stock of such cities, towns, and boroughs, and the rents and profits thereof, have been held and applied for the particular benefit of the citizens, freemen, and burgesses of the said cities, towns, and boroughs respectively, or of certain of them, or of the widows or kindred of them, or certain of them, and have not been applied to public purposes, and it would be unjust to deprive such persons of their rights of property, and to apply the same to other purposes: Be it therefore enacted, that every person who now is, or hereafter may be, an inhabitant of any borough, and also every person who has been admitted, or who might hereafter have been admitted, a freeman or burgess of any borough, if this Act had not been passed, or who now is, or hereafter may be, the wife, or widow, or son, or daughter, of any freeman or burgess, or who may have espoused, or may hereafter espouse, the daughter or widow of any freeman or burgess, or who has been or may hereafter be bound an apprentice, shall have and enjoy, and be entitled to acquire and enjoy, the same share and benefit of the lands, tenements, and hereditaments, and of the rents and profits thereof, and of the common lands and public stock of any borough or body corporate, and of any lands, tenements, and hereditaments, and any sum or sums of money, chattels, securities for money, or other personal estate, of which any person or any body corporate may be seized or possessed, in whole or in part, for any charitable uses or trusts, and of any discharge or exemption from any tolls or dues lawfully levied, in whole, or in part, by or to the use of any borough or body corporate, as fully and effectually, and for such time and in such manner, as he or she by any statute, charter, bye-law, or custom, in force at the time of passing this Act, might or could have had acquired or enjoyed, in case this Act had not been passed."

Viscount *Melbourne*: I apprehend, my Lords, that the effect of the Amendment moved by the noble and learned Lord is to preserve all the rights of the freemen, so far as property is concerned. I am very unwilling, my Lords, to revert to the debate of the other night, but as the noble and learned Lord has alluded to it, it becomes necessary for me to say a few words in my own defence. The noble and learned Lord says, that he made no charge against the Commissioners; that it was a charge against the Government for having appointed those Commissioners in so partial a manner. My Lords, I did not say that the noble and learned Lord had made any charge against the Commissioners. What I said was, that in making his charge against the Government he acted unjustly towards the Commissioners, by giving his own description of their political opinions, with which it was not possible that he could be acquainted. When the noble and learned Lord says that this man was a Whig and that man was a Whig and more than a Whig, do we not all know what that description means. Do we not all know that it means that he entertains extreme opinions? Why, my Lords, when the noble and learned Lord stood in the situation of these barristers—when the noble and learned Lord was at the Bar—if any man had said of him that he was a Whig, would he not have said that he was treated with injustice. And yet, my Lords, if any man had acted upon the general reputation of that noble and learned Lord, or from a general opinion of that noble and learned Lord, or had formed his opinion of the noble and learned Lord's political sentiments from the reputation of his most private friends and companions, undoubtedly he would have so characterized him. Does the noble and learned Lord deny that such was his character, my Lords? No; on the contrary, he admits it; he complains of it as an injustice.

Lord *Lyndhurst*: I never—[" *Order!*"] I am perfectly in order. The noble Lord says I admit it. My Lords, I never did admit it. I do not admit it, nor is there the slightest foundation for the statement. I heard of the attack and repelled it, and it never was renewed till lately. It is a base calumny, and I give it the most unqualified contradiction.

Viscount *Melbourne*: The noble and learned Lord said that he had often heard it before: that he had heard it stated of him. I know it to be erroneous, my Lords, because I have the authority of the noble and learned Lord for saying so; I know it to be a calumny; I know it to be a falsehood, since the noble and learned Lord so characterized it; but at the same time the noble and learned Lord should have the same toleration for others which he demands for himself. The same erroneous impression may prevail with respect to others, which I do believe, from all the knowledge I have on the subject at least, did prevail,—undoubtedly most erroneously—with reference to the noble and learned Lord. It is impossible, my Lords, for me to refrain from taking the present opportunity of commenting on an observation made by the noble Duke opposite in the course of last night's debate, upon which I was very desirous to say a few words upon that occasion. The noble Duke said, that the Commissioners had not produced the evidence, because they knew, and must feel certain, that that evidence would not bear out the Report. Now, my Lords, I say that this is a most foul imputation. I say this is an imputation of the basest breach of trust; an imputation of the basest treachery; an imputation, which, in my opinion, a person of the great weight, a person of the high character, a person of the authority of the noble Duke, should not throw upon any body of men, merely upon inference and suspicion, and without having a certain power of proving the truth of that which he alleges, and which is so prejudicial to the characters of the individuals attacked. My Lords, undoubtedly it appears to me that it would have been much better if the noble and learned Lord had taken the opportunity last night when my noble and learned Friend was in his place, or have waited until he saw him again in his place, to enter into all this minute discussion of the evidence into which he has entered so much at length on the present occasion, and through which, not having myself attended to the evidence as minutely as others have done, I am unable to follow him with any particularity. I will only say, therefore, my Lords, that the points which have been urged by the noble and learned Lord, appear to me to be of little importance; that even if there had been greater mistakes committed, or observations introduced into these Reports which perhaps might have been with discretion omitted, they would not in the slightest degree invalidate the real strength of the essentials, or the veracity of the general Report. The noble and learned Lord has moved an Amendment to preserve the rights of freemen entirely as they standat present, with reference to property; and he says that he anticipates an unanimous vote in its favour. I am sorry to say that I cannot indulge in any likelihood of that anticipation being realized; for most undoubtedly, my Lords, to the introduction of that clause, I shall give my most decided opposition. The noble and learned Lord, in the first place, admits that the rights of the freemen are preserved for the present; that the rights of every existing freeman are saved, and that the rights of almost all persons who can by any possibility, under present circumstances, enjoy any of these rights of property, are preserved by the Bill as it stands at present. If the Bill be defective in this respect, if it do not go far enough, if the period to which it extends the preservation of these rights might be extended with greater regard to equity and justice, undoubtedly such an alteration I should not be disinclined to consider. But, my Lords, an Amendment of this kind, which preserves for ever the rights of these freemen —rights which I believe, as far as they go, are frequently prejudicial in a great degree to the individuals themselves, and which I am certain are greatly prejudicial to the whole community, is a provision which certainly will not be introduced into this Bill with my consent, or with my approbation. These rights of land and common, are, we all know, extremely prejudicial, preventing as they do the proper cultivation of these lands. Nothing is more injurious than those Lammas lands, where one man has the hay, another the after-math, and so on. I mean nothing disrespectful to the freemen generally my Lords, when I say that the possession of those, and other rights, have contributed to render them inferior in station, feeling, property, and integrity, to other classes of the community. Of course, my Lords, this is a question of law, and of course I feel how inferior I must be on such a subject to the noble and learned Lord; but I beg to ask him, as an English lawyer, why are these freemen of all the rest of his Majesty's subjects, why are these freemen of all mankind, to have a perpetuity of their property? Why is their property, of all the property of the country, alone to be perpetual. Why, none of your Lordships property is inalienable; if any of your Lordships attempted to create a perpetuity for yourselves, by will or by deed, the noble and learned Lord, with his sense of justice and knowledge of the law, would tear it to shivers in an instant, and your property would go, according to the disposition of the law. Why, then, my Lords, are these rights, which are prejudicial to the community at large, as well as to the freemen themselves, to be preserved in perpetuity. —I believe them to be prejudicial to the freemen themselves, I think I see the noble Lord opposite, who introduced a Bill for the very purpose of permitting a division and appropriation of these lands, in order to prevent the continuance of all these rights of common. But, my Lords, it is vain for me to argue this question, for it has long been admitted by all lawyers—by all statesmen—by all writers on political economy—and by all who have studied the effects which these rights of property have upon the interests and well-being of mankind. This Bill, however, provides for the perfect security of all rights at present in existence, while it declares that the property shall afterwards be appropriated to other purposes; and in providing for its subsequent destination, I think it is well borne out by considerations of public utility; for I believe the future appropriation of this property will be in the highest degree advantageous to the community, while it commits no injustice towards any. I, for one, therefore, shall give my opposition to the clause.

The Earl of *Haddington* wished, before addressing himself to the question immediately before their Lordships, to offer a single observation on what had fallen from his noble Friend who had just sat down, with respect to the Commissioners. His noble Friend had complained of the noble and learned Lord (Lord Lyndhurst) for making an accusation against those Commissioners, and for describing some of them as being Whigs, and others of them as being more than Whigs, while the noble and learned Lord himself felt very acutely, when it was mentioned that in a former period of his life he was a Whig. But the noble and learned Lord was charged not only with having been a Whig, but with having, forthe sake of power and office, abandoned his Whig principles and become a Tory. This was an attack which the noble and learned Lord naturally felt very acutely; and so feeling, repelled with so much force, that the charge had not since been repeated. But what imputation did the noble and learned Lord cast against the Commissioners?—that they had changed their principles? No. But the charge was against the Government, that they, having issued a Commission of Inquiry—which, of all inquiries that were ever instituted, ought to have been undertaken in the most careful and impartial manner—had selected for that purpose persons, who with one exception, were all of one tinge of party politics. This was no imputation upon the Commissioners, of course, though it took from the strength of their Report; but it was an imputation against the conduct of his Majesty's Ministers. He had heard the speech of his noble Friend with no small feelings of pain and surprise. It was with no small pain that he heard from the first Minister of the Crown notions which appeared to him so extremely loose and dangerous, upon the subject of Corporation property. Property he would assert it was; for it was the property of the freemen. They were of the lower class of the community; the most of them were poor men; and he believed that, to many of them, those little lots of property were of great importance. Having himself been for eight years connected with a large body of them, he knew that the possession of these rights gave them pride and satisfaction; and he wished to ask what there was in those feelings that deserved censure? What was there in this property that rendered it less worthy of respect from their Lordships than the property of the richest individuals? Did their Lordships think that they could deal thus lightly with the property of thousands; and that when the day came, as come it might, when fanciful speculators and political theorists might doubt whether certain rights of property held by certain other individuals, were or were not advantageous—were or were not advantageous to the public in general—to that tyrant, the public, who was so often invoked—or to such a portion of the public as in the shape of a popular community might exist in a state of agitation perhaps in the immediate vicinity of their Lordships' House—did their Lordships think that when such doubts should be started they could successfully resist the application of the same principle to all other rights of property? Would it not, however, be their Lordships' duty—would it not be the duty of the other House of Parliament, to defend those other rights? Would their Lordships then, consent to establish a precedent which would make it inconsistent to defend those rights should such a case arise? He could not follow his noble Friend into all the distinctions he had taken as to this being a disadvantageous sort of property, and that it was a bad plan that one man should have one part of the produce of the land, and another man another part of that produce. Why, there was no end of making distinctions of this sort. Take, for instance, the lay impropriator of tithes. His might be considered a disadvantageous sort of property; but was not his right as sacred as that of the owner of the soil? But if they were to deal with the right of the lay impropriator how far would the right of the owner of the soil be safe? It was necessary to make a stand *in limine* against these doctrines about property. Upon the whole of this matter he entirely concurred in every word stated by his noble and learned Friend (Lord Lyndhurst). He thought it was the peculiar province of their Lordships to stand in the breach and resist this attack upon the property of the poor. He concurred in thinking that if they failed to introduce this clause into the Bill, the Bill itself ought not to pass their Lordships' House. No speculative benefit, no experiment, no untried theories, could be of sufficient value to induce their Lordships to commit an act of gross injustice, or what is neither more nor less than plunder and spoliation. His noble Friend had said, indeed, that he would consent to a modification, and extend the period during which these rights should be reserved to the children of existing freemen. But he would not thank his noble Friend for that concession. Having invaded the principle of the rights of property, he wondered that his noble Friend should stop short, and leave any property at all to those who were now in the actual possession of it. His noble Friend had just as good a right to take the property away from existing freemen as he had to deprive their successors of it. Why, might it not be asked, in the language used elsewhere, act so shabbily? Why, not give the community the full benefit of the bad principle? If the principle were available at all, the noble Viscount ought to destroy all these rights at once. He had just as good a right to take this property from those now enjoying it as he had to take it from those who were to succeed them. The noble Earl concluded by expressing a hope that the Bill might come out of the Committee so improved as to give satisfaction to those for whose benefit it was intended, but certainly in its present shape he could not consent to it.

The Duke of *Wellington* said that the noble Viscount would have done as well if he had made the observations last night which he had made to-night. He begged to observe, that the noble Viscount had put into his (the Duke of Wellington's) mouth that which he did not say; at all events, the noble Viscount had omitted to state the reasoning which accompanied those words. When the noble Viscount thought proper to rebuke him, it would have been very desirable that the noble Viscount should also have refuted the reasoning by which he had followed up his observations. What he had said was, that the Commissioners had omitted the Evidence from their Report for party purposes, and he then stated his reasons for thinking so. He stated that they might have taken the evidence in writing, and might have given it to the government with as much facility as, and with more accuracy than, they had made their Report. Had the noble Viscount given any answer to that? No such thing; he had not said one word about the matter. He (the Duke of Wellington) had likewise said that the Commissioners might, if they had thought proper, have referred to the evidence which refuted Sir F. Palgrave's Protest, which they knew of before they made their Report. Had the noble Viscount stated anything in answer to that? Not one word; but the noble Viscount had come down to the House to rebuke him for saying that which he did not assert upon his own authority, but which was founded upon reasoning— whether well founded or not was not now the question. Having said so much, he would not weaken the arguments of his noble Friends who had already spoken in favour of the amendment, by adding one word upon the question, excepting this, that he begged to remind their Lordships that these freemen had in general obtained their freedom by servitude or by purchase: if so, they had given a valuable consideration for it, and under these circumstances he thought they were entitled to their Lordships' protection.

Lord *Brougham* had no doubt that what the noble Duke had just said was considered as a well-grounded matter of complaint against his noble Friend (Melbourne), the charge being that, instead of answering the noble Duke last night, he had answered him this night. He had no doubt that the reason why his noble Friend did not answer the noble Duke last night was, that he (Lord Brougham) had taken upon himself the burden of the debate on the ministerial side of the question ["*Hear, hear!*"] "And why not (said Lord Brougham)? If my noble Friend does not repudiate my assistance, I do not see why his adversaries have any right to complain. On the contrary, they have great reason to be satisfied, for they may be assured of one thing, that if instead of my having answered them, my noble Friend had done so himself, they would have had a much worse customer to have dealt with." The noble and learned Lord proceeded to say that he had taken a part in the debate because he had himself originated the measure, and considered that it would have been unmanly to have shrunk from its defence. But with respect to the complaint of the noble Duke, though it might be well founded, there was one thing of which the noble Duke had no right to complain. The answer had been made to-night by his noble Friend, in the presence of the noble Duke: but how had he (Lord Brougham) been treated? He could not have believed it unless he had heard it from the testimony of men who were incapable of deceiving. [The Earl of *Wicklow*: You did not come in till half-past seven o'clock.] I came in at half-past seven o'clock—that is the charge of the noble Lord. Perhaps, in his opinion, it is an impeachable offence —a great moral iniquity ["*Hear, hear!*" *from the Earl of Wicklow*]. The noble Lord says it is a great moral iniquity. [The Earl of *Wicklow*: I said no such thing.] You did not say so, but you cheered when I said it, which is tantamount to giving your assent to it. My Lords, am I bound to be here from sun-rise to sun-set? I was here this morning at the sitting of the House to do judicial business. If any other man in this House, except the noble Earl, will have the courage to get up and say I do not attend to my duty in this House, I will retire from the House and plead guilty to the charge. There is no man in this House who attends one-fifth part so much as I do. I have been here every day, from the 13th of February, at ten o'clock in the morning till the rising of the House. I was not lounging upon the seats last night, like some noble Lords—I took part in the debate, and I shall always do so when it suits my convenience; I care not one jot whether my doing so pleases noble Lords or displeases them. I do not do it to please them, but to satisfy my own sense of duty. I did it with infinite pain, because I was labouring under indisposition; but I did it as an act of justice to the Commissioners, whose conduct had been impeached by speeches in the House and at the Bar, in their absence, and when they had not the physical possibility of defending themselves. I came here to-day at a quarter to eleven and remained till half-past five o'clock, when I left to attend a society elsewhere, and I find on my returning hither that I have been answered by my noble and learned Friend (Lyndhurst), whom I have never refused to meet in fair fight, face to face, in my life, though in all our conflicts, political and professional, nothing has for a mo-moment interfered with that friendship which unites us personally. It is a very extraordinary thing that my noble and learned Friend could not have just attended to the noble Duke's doctrine, and have made his answer last night intead of to-night—last night, when it would have been appropriate to the discussion. But no doubt the zeal of my noble and learned Friend in the cause of his clients, the Corporations, made it incumbent on him to treat me as the Commissioners have been treated—they were attacked in their absence, and I, their defender, have been replied to behind my back. Yes, my Lords, I see that not only do a large majority of you think that it was proper to attack, convict, and condemn the Commissioners in their absence, but that it was also proper to attack, convict, and condemn me, the defender of those Commissioners, in my absence ["*Question!*"] Yes, and that one or two of you cry "question!" when I undertake to meet this attack, from a total ignorance of my nature, and of my habits of life; from a foolish and ridiculous and absurd notion, that by crying "question!" you can put me down. Why, I have stood up against half the House of Commons when they have cried "question!" for three quarters of an hour, and they could not put me down. *Catalinæ gladios contempsi; non tuos pertimescam.* I know what it is to stand up against 300 men, pretending to be the representatives of the people, who have attempted to drown the voice of one man, who was their real friend and representative, and they did not succeed; and do you think that one of you, by crying "question!" can put me down?

The Earl of *Rosslyn* rose to order. He put it to the noble and learned Lord himself, and he put it to their Lordships, whether the observations of the noble and learned Lord had any thing to do with the Question before the House.

Lord *Brougham:* I have done.

Lord *Lyndhurst* said the reason why he did not reply to his noble and learned Friend last night, was the lateness of the hour when his noble and learned Friend finished his speech. He (Lord Lyndhurst) did not mean particularly to reply to his noble and learned Friend to-night, but he thought he could not address their Lordships without saying something in defence of the Corporations.

The Earl of *Ripon* lamented exceedingly the course which the debate had taken: he should confine himself entirely to the question before the House. He could not extract anything from the speech of his noble Friend at the head of the Government in the shape of an argument that there was any high ground of expediency to warrant a course of legislation which, on the principle of justice, ought not to take place. He could not conceive upon what principle they were called upon to take away this property, unless they could establish a clear and intelligible ground that there was some great public object to be gained by taking it away, and which could not be gained without it. All that his noble Friend had said was that this species of property was injurious to those who held it, and injurious to the community; and then his noble Friend invoked the principles of political economy to sanction this proposition. But, whatever speculative opinions his noble Friend might entertain, yet if these poor men told him that their interests were involved in the protection of these rights, he could not consent to violate them. It was perfectly ludicrous to argue a question of this kind upon such very inadequate and unsubstantial grounds as those that had been advanced by his noble Friend. He had supported this Bill with a sincere and honest desire that it should pass into a law; but he at the same time must support the clause proposed by the noble and learned Lord. Some persons in high places might designate this conduct as yielding to the sentiments and dictation of persons who were the friends and creatures of corruption. He did not know whether he was understood by their Lordships; but he referred to a certain document which had been published, with respect to which, if it was intelligible at all—which he would hardly presume to pronounce, he considered it was a specimen of marvellous indiscretion. With regard to the Bill, he wished to give greater freedom in elections, in order to satisfy and conciliate the public mind; but at the same time he was anxious to conciliate it with justice to individuals. That was the feeling which prompted him to support this Amendment; and he should do so, regardless of what might be said of him in that House or elsewhere.

The Earl of *Radnor* said, that noble Lords talked of this Corporation property as if it were the real and indefeasible inheritance of the freemen, whereas it was property, the value of which might be diminished to an indefinite extent by the persons who had the management of it. It was said that the freemen highly valued this property; he did not believe that to be the fact; although it was true that those who had the management of it were very anxious to keep it. How could property be of any great value to a numerous body of freemen, who, as in the case of Leicester, were liable to have their members increased by no less than 800 shareholders in one year? The noble Duke had accused the Commissioners of not attending to Sir Francis Palgrave's protest, before they gave in their Report. Now, on turning to the dates, he found the protest dated, but not the Report. There was, however, a Commissioner present in the House, to whom he (Lord Radnor) applied, and that Gentleman had written him the following note:—"When Sir Francis Palgrave stated his objection to the Report, the last thing he said to me was, 'I will read the Report carefully, and if I can sign it, I will!' On the same evening he wrote to Mr. Goulburn, to say that a Report was coming which he could not sign, and requiring to know whether he would allow a protest against it. The Commissioners never saw the protest till long after our Report was sent in." Therefore the Commissioners had not an opportunity to refer to the protest before they signed their Report. The noble and learned Lord had renewed the attack upon the Commissioners. He would not say (because others had done that) how accessible the noble and learned Lord might be to imputations similar to those he had thrown out against these Gentlemen; but he could not help expressing in the strongest terms his dissent from the language which the noble and learned Lord had used against those Gentlemen, by way of setting up the evidence given at the Bar. He talked as if it were conclusive evidence, and such as could not be impeached. Now he would venture to say that the noble and learned Lord, when sitting in a court of justice, would not have hung a cat upon such evidence as that. What was the case? Here were persons coming to the Bar, applying to their Lordships to hear their own evidence. They were themselves the witnesses, and the instructors of counsel, and the evidence they gave was as to their own conduct. There was nothing offered on the other side: they were the interested party, and they drew the briefs. On more than one occasion he had seen the witness suggest questions to the counsel; and on more than one occasion, also, he had seen the witness prevent the counsel from putting questions to which he supposed it would not be possible to give a satisfactory reply. Would it be said that evidence so obtained was of a character that would justify their Lordships in acting upon it? It had been said by a noble Lord last night that it was the duty of that House to do that which it deemed right in spite of the popular opinion of the House, and to leave the public afterwards to appreciate the soundness of their views. Now, it certainly appeared to him that the House had done much to lower itself in the popular estimation by the proceedings which it had adopted with respect to this Bill. If they did that which was just and honourable, he had no doubt but that ultimately the public would give them credit for it; in the present instance, however, he thought the House had acted in a way which could only reflect discredit upon them. He should certainly oppose the Amendment of the noble and learned Lord.

Lord *Segrave* had taken the opportunity, when presenting a petition on a former occasion, to state that he approved of the principle of the Bill; but at the same time a sense of justice led him to declare that in his opinion some alterations would be required in its details. In making that remark he could not refrain from alluding to a subject which had been more or less adverted to on both sides of the House; and that was the indecent attacks which were made from without upon the proceedings which took place within the walls of that House; as if their Lordships were bound at once to surrender their right of discussing and considering any measure that might come before them, and blindly to adopt it because it had passed through another branch of the Legislature. It was notorious that if their Lordships did not submit to that species of dictation, a part of the press became clamorous, and the walls of the town were placarded with such questions as these—"What is to be done with the Lords?" or "Of what use are the Lords?" Ever since he had taken part in political affairs he had been attached to what was called the liberal side even to the ultra liberal side; but he confessed that this species of conduct from without on the part of pretended friends filled him with the deepest regret, because he was sure it must detach from the side to which he belonged its truest and most honest friends. If he were asked "Of what use were the Lords?" his answer would be "to hold the balance between the Crown and the people—to protect the state against the unlimited power of the Sovereign on the one hand—and against the violence of a democracy on the other." On the subject of the Amendment brought forward by the noble and learned Lord he begged to state that being intimately connected with a very ancient corporation, which, on the death of a late illustrious Duke had done him the honour of electing him as their High Steward, he could distinctly and positively take upon himself to say that the benefits which the freemen derived from their rights and privileges as members of the corporation were of a substantial description, and were valued by them in the highest degree. For that reason he felt himself conscientiously bound to give his support to the Amendment which had been moved by the noble and learned Lord.

Lord *Plunkett* would not trespass upon their Lordships' time for more than a minute; but he thought that his situation as a member of the legal profession called upon him to make a few observations with respect to the Amendment moved by his noble and learned Friend. His noble and learned Friend had founded his Amendment upon what he termed a sacred regard for the rights of property. He (Lord Plunkett) hoped there was only one feeling on every side of the House on that subject. No one would deny that in that House it was their bounden duty to regard the rights of property with the utmost care and anxiety. But it appeared to him that his noble and learned Friend, deceiving himself, had practised a sort of sophistry upon the House, by calling upon it to consider the Bill as a violation of the rights of private property. The rights of freemen were not equivalent to the rights of property; they had nothing in them indefeasible, hereditary, or acquired by industry or labour; they devolved on the freemen in their political and not in their private character—as portions of a public body, not as individuals. They were not direct rights, therefore they were only incidental to their public capacity. If the Bill went to take away the direct rights of property, he (Lord Plunkett) should feel it his duty to concur entirely with his noble and learned Friend, however dependent these rights might be even on the select body or corporation. In that case he should say that to adopt the principle would be to admit a very dangerous precedent, which in the end would be subversive of all tenure of property and all rights thereto. Property, if held in a direct right, however precariously it might be circumstanced, should never be infringed on. But the Bill before their Lordships did not infringe on property. It was introduced for a totally different object. It was not for taking away rights of any kind, direct or indirect, but for regulating the internal constitution of corporations. If the indirect rights of freemen were incidentally affected by it, it was only because the possessors were members of these corporations and it affected them only in their corporate capacity. His noble and learned Friend (Lord Brougham) had given a distinct and substantial answer to the substantial objection respecting these rights. He (Lord Plunkett) only desired to give a technical answer to a technical objection. The same argument urged in favour of incidental rights in this instance and their inviolability might be urged with equal force and efficacy in the case of any alteration in any department of the State, whereby the interests of individuals would be injured. The rights in question were not equal to the rights of private property; they were public rights, and, as such, subject to the public good. He (Lord Plunkett) spoke as a lawyer on the subject. He wished he could do the general abstract question all the justice which had been done to it in another place by a late excellent, Friend of his, whose name, to be revered, had but to be mentioned, he meant, Sir James Mackintosh; but that was impossible, and he should not attempt it. He could only repeat that the rights of private property were absolute and indefeasible, such as the Legislature could not or should not touch. But the rights at present under consideration were public, derived to the possessors in their politic character. Unless they could be dealt with as the Legislature saw fit, there was an end to all improvements in public matters.

Lord *Skelmersdale* was only induced to rise in consequence of a remark which had been made by a noble Lord opposite, that they were taking great trouble and great interest about the property of freemen, who had no feeling of interest in the matter themselves. He wished the noble Lord to know that he was completely mistaken when he made that remark. It was true that the noble Lords who had presented petitions against the measure, with the laudable view of not taking up too much of their Lordships' time, did not state the contents of those petitions at length. Had they done so, it would have been seen that the freemen in almost every corporate town in the kingdom had expressed the utmost anxiety about the preservation of their rights and privileges.

The Marquess of *Northampton* said, he felt that he should degrade himself if he suffered any feelings of partiality to the general principle of the measure to interfere with his sense of justice. The question before the House was, not whether an injustice should be done the present race of freemen or their immediate descendants, for that was capable of being remedied; but whether an injustice should be done the generation or generations which might succeed them. The rights of freemen were to be purchased by the provisions of the Bill; but these could only be sold by the present generation as for themselves, not as for their successors. In other words, the purchase could be valid only for the lives of the present freemen and their sons, not for their descendants in perpetuity. The noble Marquess proceeded to read an extract from the last number of the *Edinburgh Review*, article, "Philosophy of Mankind," on the rights of property. The article argued that security was the soul of capital, and that without it it would be a useless mass. He (the Marquess of Northampton) agreed with the sentiments it expressed; and he thought so did the House. The Legislature could never contemplate property as a matter of small moment, or its security as a thing of trivial importance. An erroneous course taken by their Lordships on this occasion might involve the country in hopeless evils. He would put it to the Ministers, therefore, whether they had not better yield when the subject was of such difficulty? He (the Marquess of Northampton) regretted the tone of the speech of the noble and learned Lord who moved the Amendment, and was sorry that, by mixing up the judicial and the party question together, he had not done the subject the justice it deserved. He would support the Amendment.

The Marquess of *Lansdowne* agreed with the noble Marquess, that the question was one beset with difficulties, but he thought it too important to be at once yielded by the Ministers. A numerous class of persons were about to be affected in their political existence, and certain rights held in conjunction with that existence would, necessarily, be disturbed. As far as these rights could partake of the nature of property, he thought the vigilance exercised by their Lordships was perfectly proper, and, therefore, he should state the grounds on which he opposed the Amendment. In his opinion it did not in any degree partake of the nature of individual or private property. It was vested in a certain class of persons as a political privilege in reward for their performance of certain public duties; and it was inseparably connected in the idea of the grantee, as well as in that of the person granting it—whether it were a king or a private person—with the performance of certain public conditions. It was absurd to suppose that it was from any especial affection to the class called freemen that it was granted; and, therefore, it did not follow that it was perpetual if these duties were to be neglected, or the stipulations to remain unperformed. The right was granted as a public trust—as a reward for the performance of certain public duties. It did not, however, follow that it was to be for ever. If that principle were admitted, the offices and emoluments of admirals, generals, aldermen of London, and other offices of a similar character, should be perpetual as to emolument and hereditary as to succession, and the Parliament would be bound to uphold their rights and defend their privileges. The French Parliaments were bodies established originally for the dispensation of justice, and they possessed estates, like the corporations of England, to facilitate the performance of that duty; yet, no one attempted to assert, on their abolition and the substitution of courts in their stead, that these estates and emoluments should be continued to their descendants. But, what were the freemen about to be deprived of by the Bill before their Lordships? Nothing. When the noble and learned Lord entered into a statement of this case he produced an unfair amount of the average. He said, 26,000*l.*, but that was the present positive value, not that with which the House was called to deal—the reversion at the end of forty years, which would be about one-third of the sum. He could not agree with the arrangement of the noble Marquess who had just sat down, because no arrangement would be satisfactory to the parties. If the question arose on inchoate rights, it should be carried into all parts of the subject. The inchoate rights of the freemen had been spoken of by the noble Lord, but he had forgotten to mention the inchoate rights possessed by every inhabitant as well as freeman. The very poorest inhabitant had an inchoate right to be free, but he was stripped of it by the exclusive privileges hitherto enjoyed by the corporations. Formerly the class of persons of whom the freemen were composed might be the fit depositaries of political privileges; but if that were no longer the case, was it to be maintained that the Legislature was not at liberty to vest these privileges elsewhere? The Legislature had already done so with respect to the Scotch corporations, and he confessed he felt some surprise to find some noble Lords who had raised no objection to the Scotch Burgh Reform Bill, among the strongest of the opponents to the present measure. He thought their Lordships would not be justified in perpetuating a class of men solely for the purpose of enjoying property which it was never intended they should enjoy as individuals.

Lord *Brougham* said, that if the Bill as it stood interfered with property strictly so called, or if, in proposing to deal with the rights of freemen, their Lordships were pursuing a course wholly unprecedented in the proceedings of the Legislature, he would vote for the proposition of his noble and learned Friend (Lord Lyndhurst). But, he maintained that they were not interfering with property strictly so called, and that they were not pursuing an unprecedented course. His noble and learned Friend (Lord Plunkett), and the noble Marquess who had last spoken, had pointed out the distinction which existed, and ought to be observed, between public and private property; and if precedents were wanted, he would only refer to the law which enabled men to cut off entails, and to the Act which had recently been introduced by the noble and learned Lord (Lyndhurst) himself with respect to the Thellusson property. No compensation had been given on demolishing the borough system. No compensation had been given to the corporations of Edinburgh, Glasgow, and other places in Scotland, when property to a considerable amount was taken from them by an Act of Parliament. There was nothing, therefore, in that respect which ought to influence their Lordships with reference to the measure under consideration.

The House divided on the Amendment. Contents 130; Not Contents 37;—Majority 93.

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Lyndhurst
Tenterden
Melross (Earl of Haddington)
Cowley
Stuart de Rothesay
Heytesbury
Skelmersdale
Segrave
Fitzgerald
Ashburton

ARCHBISHOP.

Canterbury

BISHOPS.

London
Winchester
Lichfield & Coventry
Worcester
St. David's
Carlisle
Rochester
Llandaff
Oxford
Gloucester
Exeter

NOT CONTENTS.

DUKE.

Richmond

MARQUESSES.

Lansdowne
Breadalbane
Westminster

EARLS.

Albemarle
Radnor
Chichester
Minto
Stradbroke
Burlington
Lichfield

BARONS.

Howard of Effingham
Saye and Sele
Teynham
Holland
Auckland
Melbourne (Viscount Melbourne)
Somerhill (Marquess of Clanricarde)
Minster (Marquess Conyngham)
Seaford
Plunkett
Brougham and Vaux
Kilmarnock (Earl of Erroll)
Sefton (Earl of Sefton)
Poltimore
Clements (Earl of Leitrim)
Kenlis (Marquess of Headfort)
Mostyn
Templemore
Solway (Marquess of Queensberry)
Hatherton
Glenelg
Strafford

BISHOPS.

Chichester
Hereford
Bristol
Limerick

Lord *Lyndhurst* regretted that in moving the Clause which their Lordships had just adopted, he had been compelled to preface it with remarks which were absolutely necessary, in order to do justice to his feelings towards those who were the subjects of that Clause. That, however, being over, he would propose his next Amendment in the shortest manner that was consistent with an explanation of his object. Their Lordships would recollect the history of the Bill for Amending the Representation of the People. In the first draught of that Bill, the right of existing freemen or burgesses to vote at the election of Members of Parliament was provided for. After a short interval, that was extended to persons possessing inchoate rights. In that form the Bill came up to their Lordships' House, and was rejected. It was then considered expedient by those who had the conduct of the measure in the other House of Parliament, to do something further to conciliate their Lordships. Accordingly an Amended Bill came up to their Lordships, extending it to all who might possess the right of freemen hereafter, acquired either by birth or servitude, through or from persons originally freemen. That Bill was adopted by their Lordships, and was considered a final measure. And yet there were now two Bills in their Lordships' House, the one altering by a side-wind this right of voting; the other altering the forms of election. The Bill now under consideration, was entituled a Bill for the "Better Regulation of Municipal Corporations." When introduced into the other House of Parliament, it contained no provision to preserve the rights of freemen to vote at the election of Members of Parliament. That was made a matter of Debate. The Bill, however, went into Committee; but there every endeavour to amend it was ineffectual. It was re-committed, with the same result. It was only in the last stage of the Bill in the other House that a provision had been introduced into it, extending protection only to the rights of existing freemen; thus making a decided alteration in the law as it stood, when the Bill for the Reform of the Representation was passed. He did not think that any serious objection would be made to the Clause which he was about to propose; the substance of which was, that the right of voting, as it existed under the Act for the Reform of the Representation, should be preserved. When he told their Lordships that, on a division in the other House of Parliament, a majority of the representatives of England, who alone were interested in the question, voted for the introduction of such a provision, he thought that that fact made out so strong a case in favour of his proposition, that their Lordships could not refuse to give it their sanction. His Lordship concluded with reading the Clause which he proposed to introduce, the substance of which was as follows:—"And whereas the right of voting at the election of Members of Parliament, was by the Act entituled, 'An Act for Amending the Representation of the People,' preserved to all persons who then were, or hereafter might become, freemen or burgesses of any borough represented in Parliament under certain conditions named in the Act; be it, therefore, enacted that whoever, as a burgess or freeman, enjoys, or shall enjoy, by birth or servitude, the right of voting at the election of a Member of Parliament, shall be entitled to enjoy such right as if this Act had not been passed."

Viscount *Melbourne* would endeavour to abstain from using any more words than the noble and learned Lord had used. He certainly expected that the adoption of the last Clause proposed by the noble and learned Lord would be considered as rendering necessary the present proposition. For his part, he was of opinion that the Bill should stand as it was. The noble and learned Lord had given them the history of the Bill for reforming the representation of the people. The noble and learned Lord seemed to imply that there was a sort of understanding with reference to that Bill of which he was not at all aware. According to the noble and learned Lord, a provision had been introduced into the third Reform Bill, for the express purpose of conciliating their Lordships. If so, it certainly had not had the effect which it was intended to have. It had conciliated very few indeed of their Lordships. For the second reading of that Bill was opposed nearly as strongly as the second reading of the second Reform Bill, which was thrown out by their Lordships in October, 1831. And, if their Lordships were to trust to the representations of a noble Earl on a former evening (to which representations he would not now particularly allude), the eventual passing of that Bill was not in any respect owing to any provision which had been introduced into it for the purpose of conciliation. He entirely disagreed from the Amendment proposed by the noble and learned Lord. He disagreed from it on the grounds upon which the noble and learned Lord had himself founded it. He (Lord Melbourne) said that the proposition was rejected by the House of Commons. And here he must observe, that it was not fitting or respectful in the Imperial Parliament of Great Britain and Ireland, to say that a Bill was carried by a majority of any particular description of Members. The Parliament was a united Parliament. Its duty was to legislate, unitedly, for the interests of the whole empire. And if they said that a Bill had been adopted because the majority in its favour were composed of the Members of one particular country, what was that but to favour the repeal of the Union—to favour that separation which had been heretofore so loudly deprecated? In his opinion, the rights of freemen, such as were contemplated by the noble and learned Lord, ought no longer to exist. He disclaimed the idea of any interference with the rights of property founded on the fantastic notions of political economy. But he thought that the rights in question differed from all other rights of property, and that they were sufficiently protected by the Bill as it stood. It was on that ground that he had opposed the last Clause proposed by the noble and learned Lord. He said the same of the Clause now proposed. It was not because any particular provision had been introduced into the Reform Bill that the Municipal Corporation Bill was to be rendered an imperfect and inefficient measure. The noble and learned Lord said that, although the Reform Bill had been considered a final measure, there were two Bills before their Lordships—one trenching on the machinery by which the poll was to be taken at elections. Now, did the noble and learned Lord mean to say that the Reform Bill was to be so peremptorily considered a final measure, that no improvement in the mode of election should be adopted? He considered the proposition of the noble and learned Lord replete with disadvantages and inconveniences, and that its adoption would be inconsistent with the system which they were about to introduce. He should, therefore, oppose the Clause.

The Earl of *Harrowby* observed, that the Bill proposed the extinction of the rights of freemen. He had supported the last Clause proposed by his noble and learned Friend, and he should support the present, because he considered the perpetuity of those rights as one of the most valuable parts of the Constitution. In an able work which had been written by a friend of his, now no more, it was stated that it was a matter of regret that the lower classes of the people in this country had much less direct individual interest and connexion with the land, than in most other parts of Europe. He agreed that this was very unfortunate, although he could not see any immediate means of remedying it. But here was a numerous class of persons connected with landed property, having direct interest in the land. Now, although he could not create such a class, God forbid that he should do anything to destroy such a class. The freemen had purchased their rights by useful industry. Those rights had originated in long and laborious apprenticeships. What they had thus purchased was not merely their own individual rights, but the right of transmitting their privileges to their immediate descendants, and even to their connexions. Such a right conferred a great value on the property in question. It was a valuable right not only in itself, but with reference to the feelings which it was calculated to engender. Nothing could be more desirable, with reference to the general peace of the country, than that even the lowest classes of the people should have the feelings connected with hereditary property. For their Lordships to set aside the hereditary rights of the poorer classes, would be to encourage an attempt to set aside the hereditary rights of the other classes of society.

Lord *Hatherton* observed that the freemen, generally speaking, were a very inferior class of persons. They need not possess any property, or pay any rates; and in many instances, their residence was principally in gaols. To show the facilities which they afforded for corruption, the noble Lord read various statements of the vast number of persons who had been admitted as freemen just previous to general elections. For such persons the Bill proposed to substitute a class of men who had paid rates for three years. If their Lordships refused to sanction this proposition, he was afraid they would expose themselves to strong observations out of doors, where it was the universal opinion that they had found the class of individuals which the Bill tended to get rid of—extremely convenient, and easily to be managed on certain occasions.

The Earl of *Carnarvon* said, that the noble Viscount observed that he was not aware of any understanding having existed with reference to the Reform Bill. He (Lord Carnarvon) might be greatly mistaken, but he certainly thought that the principle which had been laid down by Ministers in advocating that measure was, that there was to be no further interference with the elective franchise. He believed that it was on that understanding that the majority of their Lordships consented to adopt the Reform Bill. He believed that it had been so considered by the country at large. The noble Lord who had just spoken, had said that their Lordships would expose themselves to unpleasant suspicions, if they adopted the proposition of his noble and learned Friend. If, however, their Lordships did not defend privileges which had the same foundation as their own privileges, how could they expect successfully to defend their own privileges if they were attacked? He hoped he should not be supposed guilty of the affectation of wishing to be considered as the peculiar champion of popular rights; but he must declare, that he strongly objected to see the poorer classes deprived of their privileges. Admitting that property ought to be the test of certain rights, still he did not like to see a hard and inexorable line drawn on the subject. It had, perhaps, been the fault of past legislators, that they had not sufficiently consulted the interests of the middle classes. Their fault seemed to have been, not that they had consulted too much the interests of the middle classes (for that was impossible), but that they had consulted them too exclusively, and without sufficient reference to the claims of the poorer classes. The bias of the House of Commons was more and more in favour of the middle classes; and he feared that scarcely a voice was raised in that House in favour of the lower classes. Under these circumstances, he thought it of the utmost importance that the interests of the lower classes should not be neglected by their Lordships.

The Earl of *Limerick* asked the authors of the Reform Bill, whether they were satisfied with its operation? Was it not notorious that in many instances that operation had been most injurious? Was it not notorious that the south and the west of Ireland were engrossed by a band of persons who carried everything according to their own particular views? ["*Question!*" *withdraw!*"]

Viscount *Melbourne* would not trouble their Lordships to withdraw.

Clause agreed to.

Lord *Lyndhurst* moved another Clause, the substance of which was, that the Town-clerk of every borough should, on or before the 25th of October next, make out a list of all the freemen on the roll who had been admitted as burgesses of such borough; and that when hereafter any claim of admission should be made, and after examination, established, that the name of the person making that successful claim should be entered on the roll; and that the Town-clerk should make out a copy of the roll to be open for inspection, without expense, at all reasonable times; and deliver copies of it, on the payment of a reasonable remuneration, to any persons requiring them.

Lord *Brougham* said, that the principle involved in this Clause had been already discussed and decided upon; but he would observe that it fully illustrated all the defects, without any of the advantages of the hereditary principle. He objected entirely to the arithmetical argument of his noble Friend—that Irish questions were to be decided by the feelings of the majority of Irish Members; English questions by the feelings of the majority of English Members; and Scotch questions by those of Scotch Members. He was sorry to find that his noble Friend, in his old age, was becoming a Repealer; for certainly that principle was essentially one of repeal, and one which would lead to strange conclusions.

Lord *Lyndhurst* thought that the Clauses which he proposed would answer the purposes desired; if they would not, he was willing to amend them so as to give effect completely to their Lordships' intentions.

Lord *Melbourne* asked if the noble Lord wished to preserve the rights of freemen for municipal purposes?

Lord *Lyndhurst* said, that he did not.

Clause inserted.

On the Clause which provides that the boundaries of Parliamentary boroughs shall be the boundaries for municipal purposes, and that the boundaries of others should be determined by the King in Council,

The Duke of *Wellington* said, that there was no part of the Bill which was more complained of, and which had excited more alarm and discontent than this Clause; many portions of boroughs not now included within the boundaries would be compelled to pay the rates levied for municipal purposes, without participating in the Parliamentary privileges of the boroughs. He moved, as an Amendment,—"That the boundaries of boroughs in schedules A and B, should remain fixed as they now are, unless Parliament should otherwise determine."

Lord *Melbourne* had not heard that this portion of the Bill had created the alarm of which the noble Duke spoke. There was no inconvenience in the arrangement proposed, and the only effect of the Amendment would be to cause much delay.

The Earl of *Devon* said, that on this particular part of the subject they were proceeding to act without sufficient information. Before they adopted the course of fixing the limits to which local taxation should extend—for that was one of the effects of the Bill—they should ascertain in the first instance whether the persons included within those limits required the assistance which it was the object of that taxation to afford.

The Duke of *Richmond* did not think that there was any hardship in calling upon the proprietors of land in the neighbourhood of towns to contribute towards the municipal expenditure; their land was rendered so much more valuable by the circumstance of that proximity; and they were especially interested in the keeping up of an efficient police.

Lord *Wharncliffe* would not have been disposed to question the justice and conclusiveness of the noble Duke's (Richmond's) reasoning, if this Bill would confer that additional value on property situate in the neighbourhood of a borough, in consideration of which it was thought proper to subject it to the imposition of a borough rate. But such was not, by any means, the fact. That property was, no doubt, valuable from its situation; but this provision of the Bill would impose a tax without affording any equivalent advantage, and in many instances would be productive of the greatest hardship and inconvenience.

Lord *Brougham* did not believe the noble Duke (Wellington) was aware of the length to which his Amendment, if adopted, would really go. Its effect would be to postpone the operation of the Bill at least for twelve months, until another Act of Parliament whose nature, authors, provisions, and fate they could not foresee, could be introduced to settle the question of boundaries. The amendment involved everything to which boundary was applicable; among other things it would apply to the elective franchise within the borough, so that the old municipal boundaries being preserved, not above one third part of those entitled to vote would come within the purview of the Bill.

Lord *Ashburton* remarked that the only inconvenience of delay would be this—that the boroughs would remain for a time with the same limits as at present existed; and that was much less evil than would be occasioned by the Bill in its present form. As an instance of the latter, he would refer to the borough of Thetford. The Commissioners had in that case included several thousands of acres belonging to him within the borough, although they had not before been liable to the payment of rates; their value would not be improved by the Bill; and as to the police, the efficiency of that could not in any way be increased. This slashing method of reform, which overlooked all individual interests, was inconsistent with justice.

Lord *Hatherton* earnestly recommended the noble Duke to postpone his Amendment, in order to see in what manner it would affect each peculiar borough.

The Duke of *Wellington* was not insensible to the advantages which might arise from connecting country districts with the borough for the purposes of voting; his object was to confine municipal taxation to towns without extending it too much to country districts.

Lord *Lyndhurst* thought that certain districts might very well be annexed for Parliamentary purposes, which it would be very improper to annex to a borough for municipal purposes. At the same time, before this Bill passed, they might, as far as related to the particular boroughs referred to in the Clause now under discussion, inspect the plans of the boundary commissioners, and determine which could properly apply to the municipal districts. What he most of all objected to was the leaving the settlement of this Question to the Privy Council, which he could not help thinking would be much better settled by Parliament, as had been the case with the Parliamentary Reform Bill.

Clause 7 agreed to. The House resumed. The Committee to sit again.

HOUSE OF COMMONS,

Thursday, August 13, 1835.

MINUTES.] Bills. Read a third time:—Militia Staff; Tea Duties'.

Petitions presented. By Mr. HANDLEY, from Postmasters in and near London, and on the Road to York, against the present System of Farming the Post-Horse Duties.

LETTERS PATENT.] Mr. *Tooke* moved the second reading of the Letters Patent Bill. He thought the only objection that could be made to the Bill would be on the ground of its scantiness. He was certainly aware that a great deal more was required to complete the Law of Patents. It was a subject upon which two Committees had already sat, but it was so embarrassed with technical difficulties, that no measure had been brought forward on it. The fact was, that there existed at present no Law of Patents, and this Bill might form a nucleus for legislation on the subject to be constructed. The Bill was essential as far as it went for the protection of patentees. That great evils existed at present, and that too great expense encumbered the taking out of Patents, which all required remedy, he was aware; but this Bill would afford a good foundation for legislation hereafter.

Mr. *Mackinnon* could not agree with his hon. Friend (Mr. Tooke), the Member for Truro, in thinking the present Bill was in any way desirable. The Law of Patents was most obnoxious as it at present stood, and ought to be abrogated entirely, and remodelled on a new system. The chief objection which he entertained to the law as it now stood was the expense incurred by those gifted individuals who were obliged to apply for a patent to secure to themselves the fruits of their labours. Formerly the Kings of England had the power of granting monopolies for almost every article required by the people. The gross abuse of this privilege led to a correction of it by the 21st of James 1st, c. 3; and it was then enacted, that the power of granting a monopoly for new discoveries should be the only remnant of the power to grant monopolies which the Sovereigns of these realms formerly enjoyed. At the present time, although the rights of the patentee were well guarded, yet he was obliged to undergo such an expense in procuring a patent as to make it scarcely a favour when obtained. Let the House bear in mind that almost all the community at present enjoyed the benefits of education; instead, therefore, of having, as formerly, only two or three thousand educated persons to compete with, an inventor might now expect nearly the same number of millions. Now, it so turned out that the human mind was more likely, with a parity of talent and powers of invention, to make discoveries, if it was exercised and stimulated, than if the party who was possessed of the same talent enjoyed also great affluence. Let A and B have equal powers of mind, one in moderate circumstances, the other wealthy, it was more likely that A, the poor man, might be induced to turn his thoughts to some invention than B, the rich one. He (Mr. Mackinnon) spoke only generally. Now, supposing that A, after years of toil in encompassing some discovery, after spending, perhaps, the whole of his small fortune in the pursuit, found his endeavours crowned with success, but without the means to obtain a patent; in such a case A must have recourse to some capitalist, who might only advance him money sufficent to obtain a patent on the condition of receiving one-half or more of the profits arising from the invention. Now, was this as it ought to be? Was this just or right, or such a state of things as the country would approve? Why not, therefore, abolish at once all the laws regarding patents, keep the same machinery as to the establishing the right of the patent, and secure it to the inventor? Let the record of the patent be entered at the Excise, and let every article the patentee sold have the stamp of the Excise, to counterfeit which should be felony; and let, besides, all the penal enactments continue against any one who counterfeited the patent in any manner. By this simple expedient no expense would be incurred, and yet ample protection to the patentee be afforded. As to the present Bill, he (Mr. Mackinnon) could only wonder that such a man as Lord Brougham and as his hon. friend could countenance and bring forth such a miserable, bungling piece of legislation.

Mr. *Parker* said the subject was one of great importance to the numerous constituency which he represented. It was a great hardship upon a man that he should devote his time and ingenuity to some useful invention, and be afterwards, in consequence of the defects of the Patent Law, deprived of the just rewards of his labour and talents. Though there were some useful provisions in the Bill, it did not go far enough. He should like to see some provision for granting short patents, as was the case in France. This would operate as a protection and encouragement to manufacturers.

Mr. *Wilks* concurred in the observation of the hon. Member, that patents for short periods would be of great use. This point was under the consideration of the Committee on arts and manufactures. The present Patent Law was a great bar to their manufacturers, and disabled them in many cases from rivalling the French. Some better system of protection was necessary to encourage men of ingenuity. He trusted the subject would be again taken up early next Session.

Mr. *Wallace* said, the Bill would do good as far as it went. Patents ought to be cheapened. The money arising from them went into the pockets of officers of the Crown, or was expended in fees, in place of being spread beneficially over the country.

Mr. *Lennard* was greatly disappointed by the Bill under discussion, but he would not oppose the second reading. It was true that the Bill would do some good, and, therefore, he thought it ought not to be opposed; but it fell very far short of what he believed to have been the hopes and expectations of the public. As a measure of Reform the Bill was one of the most scanty he had ever seen; and he was the more disappointed at its being so, because a Bill introduced two or three years ago by Mr. Godson, although much more extensive and useful than the present Bill, had been thrown out in the House of Lords on the ground of its being better to wait till a more comprehensive measure, which was then promised, could be brought forward. Most of the evils of the present system were wholly overlooked by the Bill now before the House. One of the great complaints made by inventors was of the loss of time, and of the trouble incurred in suing out a patent. A person desirous of obtaining a patent had to apply first at the office of the Secretary of State, then at the office of the Attorney or Solicitor-General, then again at the Secretary of State's office, from whence he is sent to the Attorney-General, then he has to go to the Signet Office then to the Keeper of the Privy Seal, and at last to the Lord Chancellor. Much time, amounting sometimes to many months, was consumed in this process, and during all this time, if any person happened to fall on the same invention, the real inventor lost his patent. Again he considered it a hardship that an inventor could not sell his invention to a third party, so as to enable that third party to take out a patent, because it was held that no person is entitled to a patent unless he would swear that he is himself the inventor of that for which he claims the patent. The hardship of this was the more manifest, when it was considered that a man might bring an invention from abroad, and obtain a patent for it, although he might not obtain it if he had obtained the idea of the invention from a person in this country. It was a hardship, too, that having obtained a patent, he was not allowed to sell that patent to a company, consisting formerly of more than five, but now of twelve persons. Why should there be any limit as to the number of persons who might unite together, for the purpose of purchasing a patent? He thought, too, that one patent should comprehend the whole of the United Kingdom; whereas it was necessary to take out one patent for England, another for Scotland, and a third for Ireland. The only effect of this was very greatly to increase the expense and trouble of obtaining a patent, and to create an opinion that the present system was only kept up for the sake of the fees which were produced by it. He had mentioned these as a few of the points overlooked in the present Bill. He ventured to hope that his hon. Friend who had the care of the Bill would endeavour to improve it, by introducing Clauses to remedy those evils. He should be very glad, too, if his hon. Friend would attempt to define or to describe what should be the subject of a patent, and still more if he would enable inventors, if they thought fit, to take out patents for very short periods.

Mr. *Potter* thought they might make this measure comprehensive in Committee as they had some weeks yet before them to sit.

The *Lord-Advocate* said, that this was a most improtant subject, and that they should not reject this Bill, though it did not do all that they might wish. As to defining patents, that was a matter that might defy the ingenuity of the most acute lawyer. With regard to the limited patents suggested by the hon. Member for Boston, such as patents for three months or for two years, for the protection of discoveries and improvements in manufactures, he agreed with him in thinking that they would be productive of great good, while the limitation of the period would prevent them, in any case, from doing any harm. A measure for that purpose would in fact do immense good, and he trusted that the hon. Member for Boston, or some other hon. Member would bring forward a measure of the kind next Session. As to lessening the expense incurred in taking out patents, though this Bill did not touch that point, he certainly agreed that it was far too great, and that all fees connected with the taking out of patents, though he was himself a person engaged in passing patents, should be reduced. Besides, what expense was incurred should be paid over for the benefit of the country. He recommended the House to pass this Bill, as it would form a foundation for more comprehensive and necessary measures next Session.

Dr. *Bowring* would not oppose the second reading, though he was desirous that the Bill should have gone much further. The thing most wanted was a tribunal, before which questions of right might be decided speedily, and without much expense. In France and other parts of Europe there were tribunals of this kind, composed one half of masters, the other half of workmen, and, so far as he could learn, they operated beneficially. There were many inventions of such a nature as required but a limited protection of six months, a year, or two, and for this many ingenious workmen were robbed of the benefit of their inventions. What was most wanted was a cheap protection to inventors.

Mr. *Pryme* said, it was too late in the session for a more general and more comprehensive Bill than this, which, however afforded great additional protection to patentees. It protected them against losing the benefits of their invention in consequence of an erroneous use of terms. Secondly, it protected the man who was a *bona fide* inventor, though it might turn out that at some distant period his invention was not unknown. He knew a case, for instance, in which a man having made some discovery in the mode of working the eye of a needle was defeated because it was shown that a similar process was known in the time of Elizabeth, of which however, he had never heard. Thirdly, it enabled the Privy Council to prolong the term of protection while an invention was in progress, such as that of the steam-engine, which was not brought by Mr. Watt to its present state until after many trials and great expense.

Major *Beauclerk* said, they ought to give to useful inventors all the protection in their power, and at the least expense. He hoped the hon. Member (Mr. Mackinnon) would not persevere in opposing a second reading, but contribute his aid to improve the Bill as much as he could.

Mr. *Mackinnon* said, his object was to do away with the whole Patent Law as it now stood, with a view to a new and general law. Partial Amendments, such as those in the present Bill would not satisfy the object he had in view. As the House, however, seemed favourable to the second reading he would not oppose it, in the hope that a far more extensive measure would be introduced next Session. He must say, that he had looked for something more upon this subject from Lord Brougham than was effected in this Bill.

Bill read a second time.

MILITIA.] Lord John Russell moved the third reading of the Militia Staff Reduction Bill.

Colonel Sibthorpe, however, moved that it be read a third time this day three months.

The House divided on the Motion, Ayes 109; Noes 9:—Majority 100.

Bill read a third time.

List of the AYES.

Adam, Admiral Sir R.
Aglionby, H. A.
Bagshaw, J.
Baring, F. T.
Baring, W. B.
Barclay, C.
Baldwin, Dr.
Baines, E.
Baring, T.
Beauclerk, Major
Bowring, Dr.
Brabazon, Sir W.
Brady, D. C.
Buller, C.
Burton, H.
Browne, D.
Callaghan, D.
Campbell Sir J.
Carter, J. B.
Cave, R. O.
Chalmers, P.
Chetwynd, W. F.
Cockerell, Sir C.
Codrington, Sir E.
Colborne, N. W. R.
Dalbiac, General
Dalmeny, Lord
Divett, E.
Donkin, Sir R.
Dunlop, C.
Eaton, R. J.
Ebrington, Lord
Elphinstone, H.
Evans, G.
Ewart, W.
Ferguson, Gen. Sir R.
Fergusson, R.
Finn, W. F.
French, F.
Gordon, R.
Grey, Sir G.
Grosvenor, Lord R.
Hawse, B.
Hall, B.
Hay, Colonel A. L.
Hawkins, J. H.
Hobhouse, Sir J. C.
Howard, P. H.
Howick, Lord
Hume, J.
Labouchere, H.
Lennox, Lord J. G.
Lushington, C.
Mangles, J.
Marjoribanks, S.
M'Leod, R.
Mackenzie, J. A. S.
Methuen, P.
Mosley, Sir O.
Morpeth, Lord
Murray, J. A.
O'Brien, C.
O'Brien, W. S.
O'Conor, Don
O'Connell, D.
O'Connell, M. J.
O'Connell, Maurice
O'Connell, Morgan
O'Connell, J.
O'Loghlen, M.
Pattison, J.
Parnell, Rt. Hn. Sir H.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Perrin, L.
Philips, M.
Potter, R.
Power, J.
Power, P.
Price, Sir R.
Pryme, G.
Pryse, P.
Raphael, A.
Reid, Sir J.
Rice, Right Hon. T.
Roche, D.
Rolfe, Sir R.
Ronayne, D.
Russell, Lord J.
Ruthven, E.
Scholefield, J.
Sharman, W.
Steuart, R.
Stewart, P.
Thomson, Rt. Hn. C. P.
Thompson, Colonel
Thornely, T.
Tynte, K.
Villiers, C. P.
Walter, J.
Walker, C. A.
Warburton, H.
Westenra, Hon. H. R.
Wilks, J.
Williams, W.
Wood, C.
Young, G. F.
Young, J.

TELLERS:

Maule, Hon. F.
Stewart, E. G.

List of the NOES.

Alsager, Captain
Beckett, Sir J.
Goulburn, Serjeant
Inglis, Sir R.
Lefroy, Serjeant
Manners, Lord R.
Shaw, Right Hon. E.
Vere, Sir B.
Wodehouse, E.

TELLERS:

Sibthorpe, Colonel
Gore Langton, Colonel

PRINTED PAPERS.] Mr. *Hume* called the attention of the House to the Report of the Committee on Printed Papers, in pursuance of which Report he, as Chairman of the Committee, proposed to move certain Resolutions, with a view to carry the scheme upon which they had agreed into effect. It was proposed that the statutes should be printed of one uniform size, that they should be distributed to Members by the Vote-office free of expense, and that copies should be sent to Courts, and public offices exclusively for public use. Some difference of opinion occurred in the Committee as to whether port folio or royal octavo would be the better form in which to promulgate Acts of Parliament. It would be for the House to determine whether the octavo size, which was that mentioned in the Resolution, was the best. He concluded by moving the first Resolution, "that the Resolutions of the 7th of May, 1801, with respect to printed papers, be rescinded, and that the recommendations of the Committee be adopted in their stead."

Mr. *Francis Baring* could not pledge the Government to the adoption of the recommendation of the Committee without further consideration and examination of the evidence. What was the advantage of tying the House down strictly to those recommendations at the present period of the Session, when no practical result could immediately arise from them? Government was ready to look into those recommendations with a view to the adoption, in the next Session, of a scheme founded on the Report of the Committee.

Mr. *Vernon Smith* was of opinion that the immediate adoption of the Resolutions would be the best course.

The *Chancellor of the Exchequer* said, that the Government could have no other object than to promote the public advantage and the convenience of the House, and in order to do this in the most effective manner they asked time for deliberation.

Sir *Robert Inglis* was ready to leave the matter in the hands of the Government, which would, no doubt, exercise a sound discretion on the subject.

Mr. *Hume* was ready to modify his first Resolution, in order to meet the views of the Government; trusting that, if he did so, there would be no objection to agree to those which he should afterwards propose. He would substitute for the Resolution originally proposed, the following:—"That it is the opinion of the House that the Resolutions of May 7, 1801, with respect to printed papers, be rescinded, and that a new scheme of distribution, founded on the recommendations of the Committee, be adopted.

Motion agreed to.

Mr. Hume's series of Resolutions to the 10th were also agreed to.

On the 10th Resolution, providing that the Journals, Parliamentary Papers, and Reports should in future be printed in a more compressed form and with smaller type,

Mr. Tooke moved that the words "printed with smaller type" be omitted from the Resolution.

The House divided on the original Question. Ayes 40; Noes 22; Majority 18.

List of the Ayes.

Aglionby, H. A.
Bagshaw, J.
Baring, F.
Blake, J. M.
Beauclerk, Major
Brotherton, J.
Brocklehurst, J.
Buller, C.
Carter, J.B.
Denison, J. E.
Elphinstone, H.
Ewart, W.
Fielden, J.
Hall, B.
Hawes, B.
Hindly, C.
Howard, P.
Hume, J.
Morpeth, Lord
O'Brien, W.S.
O'Connell, D.
O'Connell, J.
O'Loghlen, M.
Ord, W. H.
Pechell, Capt.
Perrin, L.
Potter, R.
Pryse, P.
Rice, Rt. Hn. T. S.
Russell, Lord J.
Ronayne, D.
Seale, Col.
Stuart, Lord D.
Stanley, E. J.
Smith, C. V.
Thornely. T.
Wakley, T.
Warburton, H.
Walker, C. A.
Williams, W.
Williams, W. A.
Wyse, T.

The original Resolution adopted.

The remaining Resolutions were postponed.

Compensation to Slave-Owners.] The Chancellor of the Exchequer moved the Order of the Day for the bringing up of the Report of the Committee on the Slave Compensation Bill.

Mr. *Potter* said, he did not see any authority in the Act by which interest was payable on the amount of the grant from August, 1834. It did not appear to him that the public ought to be saddled with such an addition as this. It was well known that the planters would be enormous gainers by the grant; in most instances, though compensation was granted, the slaves would work for wages. Under these circumstances he gave notice that he should move to leave out the sixth Clause.

The *Chancellor of the Exchequer* thought that he could satisfy the hon. Member, in a few words, of the propriety of the Clause and that his proposition was not consistent with the contract which had been made. The act proposed to take from the slave-owners a great portion of the labour of their slaves, for which compensation was voted them in 1833. The question then arose, at what period was the interest to commence? Was it from the time when the Government chose to raise the money? That could not be, because they might, under such an arrangement, have postponed to raise it indefinitely. Was it from the period when the conduct of the colonies was satisfactory? That would defer it till the time when the compensation was issued. The period from which the grant ought to bear interest was surely that from which the planters suffered loss and their losses commenced at the time when the Act came into operation. This was no proposition of his; it was Lord Althorp's; it was communicated to all the colonies, and it would be a violation of one of the most sacred contracts ever entered into, if the proposition of the hon. Gentleman were adopted, which was, that one of the contracting parties should make an alteration in the terms, without the other party having been heard on the subject.

The Report was received.

Corporation Reform (Ireland).] The House went into Committee on the Corporation Reform (Ireland) Bill.

On Clause 6th being proposed,

Mr. *Callaghan* moved an Amendment, to the effect, "That in cities, which were cities of counties, the right of franchise for Municipal Officers should be upon the same footing as the right of franchise for Members of Parliament." The hon. Member observed, that the class of voters that would be created by his Amendment were most unjustly excluded by the present Bill. He knew them to be a most independent and incorruptible class; and he knew, moreover, that they paid a larger proportion of the municipal taxes than the inhabitants of the towns, in the suburbs of which for the most part they resided. They were in every respect as much entitled to vote for Municipal Officers as for Members of Parliament; and by the Reform Bill a numerous class entitled to vote, the latter were denied by this Bill the right of electing their own Officers.

Mr. Sergeant *Perrin* opposed the Amendment, the effect of which, he said, would be to extend the right of suffrage to a suburban constituency of 2*l.* and 3*l.* householders. The introduction of a constituency so numerous, and so low in the scale of society, would defeat the best provisions of the measure. He must, therefore, vote against the Amendment, which he thought had no better foundation than the principle of Universal Suffrage.

Mr. *O'Connell* said, that all they contended for was, that the municipal suffrage should be upon the same footing that the Parliamentary suffrage was; that it should be co-equal with it. Why should it not? In Scotland it was co-equal. In England it was even greater. In Ireland alone it was less. He could assure his Majesty's Government that the Irish Members had thought much of this distinction, and it had given them great dissatisfaction. The very words of the Amendment proposed by his hon. Friend were taken out of the Reform Bill, and why there should be a line of distinction drawn he could not make out. It might be all very well to make the difference, if the class proposed as the new constituency did not pay the municipal taxes. The fact was, they paid in the proportion of three to one what the inhabitants of the towns paid. They paid the paving and lighting, and other ordinary imposts of the town. He hoped the opposition to the Amendment would be withdrawn.

Viscount *Morpeth* said, that the object of the Bill was to establish a good municipal constituency. The Amendment of the hon. Member would let in the inhabitants of mud cabins—not that he meant to say anything against the tenants of mud cabins, they were no doubt very respectable, good, and loyal people in their way, but he would put it to the hon. Member, whether this Amendment would not have the effect of defeating the object proposed by the Government—namely, to provide a respectable municipal constituency.

Clause ordered to stand part of the Bill, the Bill went through the Committee.

The House resumed. Report to be received.

Preservation of the Peace (Ireland).] Viscount *Morpeth* moved, that the House resolve itself into a Committee on this Bill.

Mr. *Sharman Crawford* felt compelled

to oppose this Bill. He knew that it was founded on the Report of a Committee of that House, but what he complained of was this—that there were other provisions recommended in that Report besides those which were incorporated in this Bill. For instance, there was a recommendation for a provision for guarding ejected tenants from the consequences of wanton ejectments, and also a recommendation for a provision for the helpless and unemployed poor. He objected to this Bill, because it selected those recommendations of the Report which provided punishment for the people, and omitted those which recommended protection, support, and employment. He contended that coercive measures had been rendered necessary in Ireland, because the Legislature had not given to the poor of that country that Charter which they enjoyed in England. The hon. Member quoted several extracts from Sir Frederick Eden's *History of the English Poor Laws* to prove, that the state of England as to crime, and as to the moral habits of the peasantry, was much worse before the Act of the 43rd of Elizabeth than the state of Ireland was at present. What peasantry in the world could now be compared with that of England? and yet how demoralized and ruffianly were they before the passing of the Poor-laws. He argued, that as the introduction of Poor-laws into England had been attended with effects so beneficial to England, there was every reason to believe that the introduction of a similar system into Ireland would be productive of results in that country equally advantageous. The preamble of this Bill recited that tumults existed in Ireland. Now there were no tumults in that country at present. But there was great distress; and yet the House was on the point of passing a Coercive Bill for Ireland, without giving the Lord-lieutenant power to relieve that distress? What was it that had excited all the disturbance and agrarian violence of Ireland? Distress. Why, then, did not the Government, even at this late period of the Session, introduce measures to relieve that distress? It was also proposed to continue the duration of this Bill for five years. He thought that it would be better to limit its duration to one year, for then Ministers would have to come forward every year to obtain its re-enactment on their own responsibility. It was impossible to tell into the hands of what Ministry the powers of this Act might fall before the close of the next five years. He also objected to the summary convictions under this Bill, and to those clauses in it which compelled a man to prove his innocence even where the evidence for the prosecution did not establish his guilt. He therefore called upon the House not to enact such a law as this. If, however, they were determined to legislate in this manner, let them make some provision for the helpless poor and the ejected tenant. If this Bill went into Committee, he should certainly move Clauses to that effect. In the mean time, he protested against the Bill as unnecessary. Never in his recollection was Ireland more free from agrarian disturbances than at present. He therefore called upon the House to pause before it passed such a measure, or if it would not pause, to mingle remedial with its coercive enactments.

Viscount *Morpeth* hoped that the hon. Member would not consider that he treated him discourteously, if he did not follow him into the arguments which he had advanced in favour of introducing Poor-laws into Ireland. The House would, he hoped, go at once into a Committee on the Bill.

Mr. *William Smith O'Brien* did not approve of this Bill, though he should not divide the House upon it. He doubted the necessity for it. He should propose in the Committee a Clause limiting its duration to two years instead of five.

Mr. *O'Connell* thought, that this Bill would be of advantage to Ireland. During the discussions on the Coercion Bill, he had suggested the propriety of trying such a Bill as the present, as the best means of checking disturbances in the outset. He therefore could not vote with his hon. Friend, the Member for Dundalk, on this occasion. He should support the Motion, that the Bill be committed.

The House went into Committee on the 17th Clause.

Mr. William Smith O'Brien moved a Clause limiting the duration of the Bill to two years.

The Committee divided on the Clause: Ayes 4; Noes 89—Majority 85.

The Bill went through Committee, and the House resumed.

HOUSE OF LORDS,
Friday, August 14, 1835.

MINUTES.] Bills. Read a first time. On the Motion of the Duke of RICHMOND:—Abolition of Oaths' Amendment.—Read a second time:—Tea Duties'; Public Roads'; Militia Staff.

Petitions presented. By the Marquess of LANSDOWNE and Viscount MELBOURNE, from a Number of Places, and Lord BROUGHAM, from Cockermouth and Bedford, and a Number of other Places,—in favour of;—and by the Earl of FALMOUTH, from Truro, the Duke of WELLINGTON, Lords SCARBOROUGH and SKELMERSDALE, from several Places, against the Municipal Corporations' Bill.—By a Right Reverend PRELATE, from Stone (Stafford), for Protection to the Irish Protestant Church; and by Lord FITZGERALD, from several Places, to the same effect.—By the Marquess of EXETER, from Stamford, Lord ELLENBOROUGH, from Worcester, Earl DE GREY, from Bedford, against the Municipal Corporations' Bill;—and by Lord POLTIMORE, from Crediton; in favour of it.

EDUCATION AND CHARITIES.] Lord *Brougham*, in moving the second reading of the Education and Charities' Bill, observed, that approving as he did of the principle of the Municipal Corporations' Bill, and of the greater part of the details of that measure, yet there was a portion of it which he wished to have amended. The part to which he alluded ought to be altered in Committee, and fenced and guarded in such a way as effectually to prevent abuse. He referred to that part of the Bill which related to charitable funds. In what manner their Lordships might wish to effect that object he could not say, but he would suggest this course of proceeding—namely, that his Bill relative to education and charities should be now read a second time, *pro forma*, and afterwards submitted to the Committee on the Municipal Corporations Bill, who could then examine how far certain of its provisions, with respect to the control of charities, could be made applicable to that part of the Corporation Bill which had reference to charities. His Bill gave a controlling power over charities to a body of Commissioners, consisting of the Lord President of the Council, the Secreta y of State for the Home Department, the Speaker of the House of Commons, and three professional men. These Commissioners would be invested with full powers to examine into all matters connected with charitable trusts, and to check and prevent abuses of them. It was evident that such a power should exist somewhere, because those charitable estates were very extensive; and it so happened that some of the largest estates belonged to towns—such, for instance, as Bedford and Coventry, where the party who had the management of them was very small. His proposition was, that if the provisions in his Bill were not considered as affording a sufficient guard by the Committee, they should then add others to them, so as to make those provisions applicable to the Corporation Bill.

Lord *Lyndhurst* said he felt some objection to the second reading of this Bill without observation. He was by no means satisfied with its provisions as it at present stood. Perhaps the best course would be, if it were read a second time, to send it for consideration to a Committee upstairs, and their report might be laid before the Committee on the Municipal Corporations' Bill.

Lord *Brougham* said, he had expressly stated that he only moved the second reading *pro forma*. He did not wish to commit any noble Lord to an approval of the principle of the Bill. He proposed this course, in order that the Committee on the Municipal Corporations' Bill should consider how far the details of a part of his might be made applicable to the Corporation Bill. He had no objection to adopt the suggestion of the noble and learned Lord.

Lord *Lyndhurst* observed, that the subject was one of very great difficulty, and he doubted whether an efficient plan could be matured in the present Session.

Lord *Brougham* said, he could see no other effectual mode of control except that which his Bill provided. If they put the matter off to another year, he conceived that the difficulty would be increased.

Lord *Ellenborough* said it was most essential that a severe, effectual, and efficient control should be established to prevent abuses under the new system; he felt that at this period of the Session they would find it difficult to frame an effectual provision with all that calm and deliberate consideration which the subject demanded.

The Bill was read a second time.

CORPORATION REFORM, COMMITTEE.] The House resolved itself into a Committee of the whole House on the Corporation Reform Bill.

Clause 8.

Lord *Lyndhurst* moved the omission of the second proviso in this clause; the effect of which would be, to allow persons in indifferent circumstances to be placed on the list of voters.

Viscount *Melbourne* was very unwilling to offer any factious opposition to the Bill of the noble and learned Lord; but he should prefer retaining the proviso notwithstanding.

Lord *Lyndhurst*: The noble Viscount is not quite correct in calling this my Bill; but I am quite certain it is not his. I beg to move that the proviso be struck out.

Amendment carried; and the Clause, as amended, was agreed to.

Clause 10 was omitted.

Clause 13 being read, Lord Lyndhurst moved its omission.

Viscount *Melbourne* would take that opportunity of saying, in his own defence, that the observations he had made with reference to freemen over estimating the value of some of their rights, were abundantly confirmed by some of the same witnesses as had been produced at their Lordships' Bar in opposition to the Bill, and whose evidence had been so highly extolled. Mr. Rotherham and Mr. Carter, the Mayor and Town-clerk of Coventry, in their evidence before the Committee of the House of Commons, had stated that in their opinion the privilege of turning out cattle on common-land, did more harm than good to those who enjoyed it. The Lammas lands were widely dispersed, some of them being two miles and a half from the town, and some nearer; and their opinion was, that they were of no benefit. With reference to the present Clause, he would consent to expunge it, reserving to himself, however, the right of considering whether another might not hereafter be substituted in its place.

The Clause was negatived.

On the 16th Clause being read,

Lord *Lyndhurst* said that he rose with the intention of proposing an Amendment to this Clause, and that the nature of the objections which he felt to the Clause would be best understood by reference to the Clause itself. He had formerly stated that it was not his intention, nor he believed the intention of the noble Lords round him, to make any objection to the burgess qualification proposed by this Bill. It however appeared that by the Clause now before their Lordships, no qualification was required for Councillors, which, in his opinion, was most inexpedient and unwise. As the Clause at present stood, any person paying even the smallest amount of rate might become a member of the Council, and take a part in discharging all the important duties which fell to be performed by persons chosen to that office. He thought that their Lordships would be of opinion that some qualification for the office of Councillor ought to be required. In the discharge of almost all other important duties, some qualification was required by law. In the other House of Parliament a qualification was required. He admitted that there were certain exceptions. There were cases in which no qualification was required, but he spoke of the general practice. Justices of the peace and magistrates were required to have a qualification, and what was more important to the question immediately before their Lordships, in every local Act, those chosen for the performance of the particular duties required by the Act were required to have a qualification, and in most instances a pecuniary qualification to a large amount. It was upon these grounds that he meant to move an Amendment to the present Clause. He did not mean to say that a pecuniary qualification always secured the selection of persons of intelligence, of persons of ability, for the discharge of the offices, or of persons of integrity. He did not mean to assert that that was the effect of a pecuniary qualification, but at least it had a tendency to that effect, and it was the kind of security always required. He therefore thought that in the present instance a qualification should be required Their Lordships would feel that the subject was one of no inconsiderable difficulty to fix what the species of qualification should be. One species of qualification was the possession of a certain amount of real or personal property, but that was liable to objection, because it was too indefinite. Another species of qualification was the occupancy of a house of a particular value; but that was liable to two objections. In the first place the difficulty of ascertaining what was the real value of a house, and in the second place, the difference between the class of persons occupying houses of the same value in different places, as, for instance, a person occupying a house of the value of 20*l.* in one place, was a very different person, and in a very different class of society, from a person occupying a house of the same value in another place. There was a third species of qualification which might be adopted—namely, that of rating. But that principle was not easy of application. The rating was not always laid on the full value of the property. In some places rates were paid to the full value of the property, in other places to the value of one-half, and in others to the value of only one-fourth. Considering all the difficulties of the case, it had occurred to him that the best qualification which could be adopted, and that which would operate with the greatest equality in all cases, would be founded upon the amount of the rates paid with reference to each particular borough; that is, that those who should be called upon to administer the affairs of the borough should be chosen from those who were the highest rate payers. He proposed that the rate payers should be divided into a certain number of classes, and that from the highest of these classes the persons should be chosen who should be selected to administer the affairs of the borough. Acting upon this principle, he proposed that the rate-payers should be divided into six classes, and that the one-sixth of those who paid the highest amount of rates should be those from whom the Councillors should be selected. This principle he thought would be more easily applied in all circumstances than any other which he could recommend; and it was with that view that he recommended it to their Lordships. He hoped that their Lordships would adopt the principle of his Amendment, and apply it to all the towns and boroughs which came within the operation of the Bill. For the purpose of carrying this Amendment into effect, it would be necessary that another list besides the burgess list should be prepared by the overseers, and he proposed that that list should be liable to objection in the same manner as the list of burgesses. He had only to add, that the Amendment which he meant to move would apply not only to the Clause then under their Lordships' consideration, but to several Clauses which followed it.

Lord *Brougham* said that it was undoubted that nothing could be more fit and proper than the course adopted by the noble and learned Lord in moving his Amendment. The noble and learned Lord had stated the grounds upon which he wished to found this material alteration in the Bill with that clearness and perspicuity for which he was distinguished, and had brought forward his Amendment at the most convenient period at which it could be brought forward. As far as regarded his noble and learned Friend's proposition, it was by far the most important, and by far the greatest Amendment—if Amendment it could be called; for he considered it as no Amendment, but the reverse; but with regard to his noble and learned Friend's proposition he considered it the worst alteration which had yet been proposed in this Bill, or that could be proposed in it during the sitting of this Committee. With respect to the general question of qualification, his noble and learned Friend was quite right in saying, that generally speaking a pecuniary qualification was considered necessary in this country for the purpose of securing fit and proper magistrates. But his opinion was, that the 100*l.* qualification required from the justices of the peace had no good effect. His noble and learned Friend had brought the case of the qualification required by Members of the other House of Parliament as an illustration. In his (Lord Brougham's) opinion, the illustration was a singularly infelicitous one as a recommendation of qualifications in the abstract. Their Lordships required no qualification, excepting that of birth, or being ennobled; but in the other House it was different. Now, let their Lordships look how the case stood with regard to the other House. It was true that his noble and learned Friend did not take the same principle for his qualification as that required to entitle a person to be chosen a Member of the other House; and his noble and learned Friend's proposition had this advantage, that it was not so easily evaded. But with regard to the qualification required for a Member of the House of Commons, he would say that nothing could be more ridiculous—nothing could be a greater piece of mummery than that qualification. A qualification of 600*l.* was required from knights of the shire, and of 300*l.* from burgesses of boroughs. These qualifications were absurd in themselves, in making a difference where no difference ought to be; and were most absurd in this, that having made the difference, both classes of Members should be jumbled together, and a freehold qualification required from both. But not only was this qualification evaded—not only was it anomalous and absurd, but let them look how it worked. There was a qualification required in England and in Ireland, but none was required for Scotland; and the only instance in which a qualification was not required was that of the Members of the two Universities. Now let them attend to the practical working of this qualification. The noble and learned Lord said that the use of a qualification was to secure Members of a certain stamp of respectability. Now, it so happened that the law as it now stood said that in England a man was not fit to be a Member of Parliament who had no qualification, while in Scotland a man was fit who had none. But did the qualification secure to England better or more fitting and respectable Members of the Legislature? Were the Scotch Members of a lower order? Were they, in point of fact, chosen from among the paupers of the country; or were they in any respect worse than the English were? He would venture to say, that there was not one among the fifty-three Members for Scotland who was not, in point of wealth, at least, equal to the average of the English or Irish Members. Yet the English and Irish Members were qualified with 300*l.* or 600*l.*, while the fifty-three Scotch Members had no qualification at all. Of what use, then, was the qualification? It did not keep those out who had little or no property, that was clear. Did it then give security for respectability? He should say most unquestionably not. It was quite true, as was stated by the noble and learned Lord, that local Acts generally required a qualification—certainly a great number did, although he would undertake to point out some which did not; but he (Lord Brougham) recollected asking some persons who had an opportunity of knowing if the qualifications required by local Acts secured respectability, and the answer was decidedly not. His opinion was, that if there was no pecuniary qualification required, persons would be the more led to inquire into the merits of the different candidates, and to scrutinize more narrowly as to their having the necessary qualification of suitableness for the office. If it were fixed that there should be a pecuniary qualification, persons would be too apt to consider that as the only one required. He would next refer to the very alarming, and to him somewhat astounding proposition brought forward by his noble and learned Friend. He did not think that their Lordships were aware of the extent to which that amendment went. He would endeavour to explain it. "You are to look," said the learned Lord, "in the first place to the electors, and then to the places where the elections take place, and then to the duties to be intrusted to those chosen." Now he (Lord Brougham) would ask any man of common sense, who looked practically to the subject, without any reference to theory or speculation, if it was likely that the majority of those persons who paid the rates themselves, would choose improper persons to a situation in which they would have the power, not only of imposing rates, and of managing the affairs, and administering the property of the town, but of regulating the police? Was it likely that the majority of the voters would say, "Let us look about us and find a beggar, even if he is not worth three farthings, and choose him for a councillor. Here is a Bill which allows us to choose any man we please?" Was it likely that the voters would vote for beggars, and avoid men of respectability? Yet the argument for a qualification assumed that if it assumed anything. He was morally certain that it would in practice be found that none but substantial persons would be chosen, and that not one councillor in five hundred would be selected who was not a man of respectable standing in society. It was not the practice of the common people of this country to be regardless of wealth. He had never any occasion to think that the purse was not considered in this country a test of respectability. In no place that he had ever been in was there such regard paid to wealth as by the majority of his good countrymen. He thought that nothing tended to raise persons in the eyes of their neighbours so much as their being in a good way, and nothing sooner deprived them of that good opinion than their falling back in the world, even if there was nothing against their character. He did not think, therefore, that it was likely the persons chosen as Councillors would not be respectable. Indeed he thought the contrary would more likely be the rock upon which the voters would split. Let them now look at the motion of his noble and learned Friend. His noble Friend said, that only those who paid most rates should be eligible for Councillors. This was limiting the choice of the burgesses to the smallest limit. It was laying down a principle that none but one small and confined class who paid rates should have the administration of the affairs of the town. Be the person ever so respectable, be he looked up to as the best burgess of the town, be he ever so noted for his integrity, his sagacity, his powers of mind, his experience in offices of public trust, all, all would be pleaded in vain. He must be excluded. No voter could raise his voice in his favour, unless he wished his vote to go for nothing. He would be necessarily excluded by this inexorable rule, if he had but one penny less than the numerical fraction of one-sixth to which his noble and learned Friend would limit it? Would any of their Lordships say that that was not a most grievous absurdity? And when his noble and learned Friend talked of novelties and innovations, was not this one of the greatest novelties, and most alarming innovations that ever had been brought before their Lordships? He did not believe that in all the political, commercial, or private measures which he had ever known to be brought before Parliament, there was ever such an innovation as this. The principle of taking one-sixth of the rate-payers, and making them only eligible, was to this time quite unknown. In every other case a man might acquire a qualification. He might acquire a qualification for Member of Parliament; and, but for that power, the country would have been deprived of the services of many of the most distinguished Members of the other House of Parliament—men who edified the world by their wisdom and charmed it by their eloquence, but who would not have had an opportunity of setting a foot in the House of Commons, f the rule in that case was inflexible as that proposed by his noble and learned Friend. The eligibility in the present case was confined to one limited class, and between that class and all others a bar was laid, across which no man could set his foot. The proposition of his noble and learned Friend was not only an alarming novelty, but in principle it was neither founded upon reason nor common sense. It was not founded upon enlarged and liberal views, for it was founded upon the principle of exclusiveness. It was founded on the worst principle of exclusiveness in favour of the aristocracy or oligarchy of wealth. He knew that the adoption of his noble and learned Friend's Amendment would be fatal to the working of the Bill. It would be just as well for their Lordships to say that the Bill should not pass at all. Gracious God! had the people no person to speak for them under the Aristocracy? Was only one-sixth to be eligible, and were the rest to be stigmatized as the proposition would stigmatize them, only because they were poor? By this, a bachelor who took an extravagant house might become a Member of the Council, but if he married, lived prudently, and became a respectable father of a family, he might be excluded from taking any part in the affairs of the town. This was an innovation the most surprising, for it was one which could never have been adopted in even the worst of times. The consequences of it would be, that the choice of Councillors would necessarily be made without regard to integrity, to usefulness, or to the experience which a man had. It might exclude all those who would be useful, while it might admit the worst and most improper characters. Money was not generally considered as a qualification, but as a test that the person was respectable; but the qualification now proposed was worse than one taken from property in land, for it depended upon the number of the inhabitants, and the manner in which they might divide by six. The Amendment appeared to him to be vague, unsound, ill-advised, and ill-judged. It tended to put into the hands of the wealthy the whole right of administering the affairs of towns; and last and worst of all, it was the first introduction of that principle of exclusiveness which laid down a barrier which no man could cross. The principle of giving the monopoly, which this would create to the richer class, would be as much as if it were said to the poor classes, "They govern you because they have got money," and the poor were to be as much excluded from the affairs of towns as the Irish Catholics were from the administration of the affairs of the State, before passing of the Catholic Relief Bill, or the slaves in the West-Indies before the passing of the Slavery Abolition Act.

The Earl of *Wicklow* was rather surprised that the noble and learned Lord should call the principle of his noble and learned Friend's Amendment a novelty, seeing that a qualification similar in its principle, and nearly so in its details, was adopted in a Bill introduced by the Government of which the noble and learned Lord (Brougham) was a member. In a Bill for improving the mode of assessment of certain rates in Ireland, it was enacted that the magistrates, with certain numbers of householders selected from the highest rate-payers, should make the assessment. Now, he was surprised that the noble and learned Lord, if he had any recollection of that Bill, could have opposed a similar principle in the present. There was not one argument which the noble and learned Lord used against the principle of qualification which might not with equal justice have been urged against the Bill to which he had alluded. He did not intend to trouble their Lordships with any remarks on the Clause itself; he rose only for the purpose of noticing what appeared to him an inconsistency in the noble and learned Lord.

Lord *Brougham* had no doubt that the noble Earl was perfectly correct in his account of the Bill to which he referred, but he (Lord Brougham) had not attended to it at the time. But if the noble Earl wished to adduce an instance of a measure of qualification which had been introduced, and had received his support, he might have mentioned the Bill brought in about two years ago, in which a qualification of 1,000*l.* in personal property was declared to be necessary for a Town Councillor; but let him say, for himself, that he never was friendly to the principle of a qualification, and in assenting to it on that occasion, he had yielded his own opinion to that of others, but that did not bind him to the principle.

The Earl of *Devon* said that the principle of qualification, and that of selecting the highest class of rate-payers, were both fully recognised in another measure to which the noble and learned Lord had given his support. He alluded to the Poor Law Bill, which passed last year. By that Bill the Commissioners were authorized to arrange what amount of qualification should be possessed by the guardians of the poor. There was, he admitted, a proviso that it should not be carried too high, and that in no case it should exceed 40*l.* a-year. This was a case in point, and he was sure it would not be contended that it was done with a view of upholding an oligarchy which would domineer over the people. He would support the Amendment, as he fully approved of the principle of qualification.

The Duke of *Richmond* said, that he was Chairman of a union under the Poor Law Bill, consisting of thirty-six parishes, the rate-payers of which elected the guardians. Two of the most respectable Gentlemen in the whole of these parishes had been elected, but were not qualified, and therefore the parishes were deprived of their services. One of them was residing in the house of a sister, who had lost her husband, and was an independent man managing a large farm, and from 400 to 500 acres in extent. A qualification of this sort was useless, because a man might be rated at 100*l.* a year, and be far less respectable than some of those who received parish relief. Qualification gave no security for good character. If you left this office without qualification, the voters would naturally elect the most respectable persons. Something had been said about bribery. The man who was qualified was more likely to bribe than one not qualified. He quite agreed with the noble and learned Lord, that if you were to have a qualification, you would do little good in the way of reform—for then there would be only one class of persons whom the burgesses could elect.

Lord *Wharncliffe* thought that persons not rated to the poor, however well qualified in other respects, ought not to be elected guardians of the poor to manage money matters. His noble and learned Friend had objected to any qualification at all, and then he objected to this description of qualification. He (Lord Wharncliffe) wanted to know why 5*l.* was to be taken in Ireland for the qualification for a person to be a burgess, and yet the noble and learned Lord had thought fit to fix it at the arbitrary sum of 5*l.* Even in the metropolis, a certain amount of payment of rates was required to make a man a vestryman. That was analogous to this case. If you took a certain sum, you would no doubt exclude a certain number of persons. If you took no qualification, you would admit persons who played the part of demagogues, and kept agitation alive. Nothing could be fairer than to say you, the electors, are to choose from the persons who pay the rates, those persons who contribute the largest sums.

Lord *Brougham*, to prevent any misunderstanding upon the point, just wished to ask his noble and learned Friend whether, according to his view, supposing the proposition to be adopted, if a person were once elected a Councillor he could afterwards lose his place as a Councillor; because this might happen—a man might be in a House this year, which made him one of the selected and chosen sixth; but next year came in three or four other persons, who built up larger and better houses, which would have the effect of reducing the first below the pale of the exalted sixth. In that case the man, being no longer qualified, was to be displaced?

Lord *Lyndhurst*: If a man be once elected a Councillor he will continue to act as a Councillor till the period of his services expires.

The Earl of *Ripon* was disposed to look upon the proposition of the noble and learned Lord (Lord Lyndhurst) as an innovation on the structure of Corporate bodies which it would not be proper to admit. Although a money qualification had been deemed necessary in those who acted as trustees in the administration of funds, no qualification of that kind had ever yet been required in those who were chosen to discharge municipal functions. But even supposing a qualification to be necessary, he certainly could not bring himself to think that the qualification proposed by the noble and learned Lord was of a character that it would be right for the Legislature to recognize. The effect of it, in many instances, would be to deprive corporate towns of the services of some of their most useful, most efficient, and most independent inhabitants. He, for one, therefore, was of opinion that it would be better not to require the qualification which was the object of the Amendment.

Lord *Plunkett* would not apply himself to the argument of whether a qualification were or were not necessary. He thought a qualification was not necessary; but of all the qualifications that could be required, he thought that suggested by the Amendment was the very worst. It would establish a principle of exclusion which every Corporate town would be disposed to regard as an insult instead of a boon. The exemption proposed by the noble and learned Lord did so upon the ground that the parties exempted, had no qualification, but that others had a better qualification. Why were the five-sixths excluded? Not because they might not have a very sufficient qualification—not because they had no property—no experience—no integrity—or the possession of none of the confidence of their fellow-citizens, but because the remaining sixth of the inhabitants lived in larger houses. The people of the country were not such idiots as to be imposed upon by a proposition of that description. If the noble and learned Lord had endeavoured to devise anything by which the provisions of the Bill could be converted into a mockery, it would be impossible for him to pursue a better course.

The Duke of *Buccleuch* said, that when the noble Lord argued as if no qualification were required in the Scotch burghs, they were completely mistaken; because, by the Act which passed only a short time ago, it was expressly provided that those only should be the electors or Councillors who were possessed of the 10*l.* qualification, in the same manner as those who were to elect Members for Parliament. He was decidedly of opinion, that a qualification ought to be required for the Council of the English Corporate towns; and he knew of no qualification that could be more properly required than that suggested by the noble and learned Lord.

The Earl of *Haddington* begged to confirm what had been stated by the noble Duke with respect to the qualification required in the Council of the Scotch burghs. If it were expected that Corporate property should be properly administered, and that the interests of the town should be properly protected, no one could doubt, that some qualification ought to be required in the Members of the governing body.

The Earl of *Radnor* saw no necessity for requiring a qualification. He thought that the inhabitants of the towns would always select those to govern their affairs who were naturally the best qualified. At all events, if any qualification were necessary, such a qualification as that proposed by the noble and learned Lord was the very last that should be adopted.

The Duke of *Wellington* thought, that persons who were intrusted with such discretionary powers, and with such an extent of authority as must necessarily be conferred on the governing body of every Corporate town, ought to possess some certain qualification. It was absolutely necessary that they should give some sort of security for the due and proper performance of the duties which devolved upon them. He was of opinion, that the qualification proposed by his noble and learned Friend would act uniformly and successfully, applying equally to all places, whether large or small.

Lord *Glenelg* objected decidedly, and in the strongest manner to the proposition of the noble and learned Lord. It was a proposition which struck at once at the very principle of the Bill, and if adopted, would be utterly destructive of it. The object of the Bill was to produce a sympathy of interest—a common feeling of good will—an equality of rights amongst all the inhabitants in every Corporate town. The effect of the noble and learned Lord's proposition would be to establish in every town a separate and exclusive class, from out of which only the Corporate officers should be elected. This would at once be fatal to the principle of the Bill.

Lord *Ellenborough* was persuaded, that the only purpose which his noble and learned Friend had in view was to prevent persons who were not properly qualified from holding situations of trust and importance. His reason for voting for his noble and learned Friend's proposition was that he wished this to be a permanent establishment for the good of the country. They had often seen, that on the occurrence of a single abuse, Parliament had proceeded to overturn an establishment. Now, no man could doubt that as the Bill at present stood, it would be the cause of the grossest abuses. It was desirable, therefore, in order to secure the permanency of the proposed establishment, that as little temptation to abuse as possible should be afforded. They must legislate with reference not to particular exceptions, but to general rules. He was persuaded, that many of their Lordships were not aware of the extent of franchise to which the proposition of his noble and learned Friend would reach. In Shrewsbury, there would be still 648 persons eligible, notwithstanding that proposition: in Doncaster, 400; in Maidstone, 500; in Northampton, 590.

The Marquess of *Lansdowne* was not one of those who, generally speaking, objected to the principle of qualification; but he could not see any principle of qualification in the present case which would not be objectionable. The proposition which the noble and learned Lord made with reference to this great popular measure was to disqualify five-sixths of the rate-payers of England, on no account but that of their comparative poverty. The noble Duke opposite had spoken of the certainty and uniformity of the operation of wealth. He readily admits, that he wished that wealth should preponderate; but that its operation should be perfectly certain and uniform was precisely that which he was desirous of avoiding. In the early part of the discussion, he had heard a noble Lord talk of the necessity of excluding demagogues; by which term he supposed that noble Lord meant to describe persons who had obtained an influence over many persons in their own rank of life. Now, he did not know any thing more certain than that if persons who had obtained that kind of influence—which ir was by no means easy for any one to obtain except by superior talents and character—were excluded from associating with the higher ranks of society, they would be found much more dangerous than if they were admitted into that society. In the one case the people would think that their interests were attended to; in the other case, that their interests were neglected. From his experience, he was sure, that in the long run, the choice of the people of England, especially with reference to those who were to have the superintendence of money affairs, would fall upon persons of property. And he was also persuaded, that under the operation of the proposed Clause, persons of wealth would be frequently excluded. He knew a case of a person, who was rated at a low rate, only for a shop, but who was a person of wealth, living out of the town, and who would come under the bar of exclusion contained in the noble and learned Lord's Clause. He believed, that in general, wealth under the Bill would predominate; but that it would gather about itself (as it ought to do) a limited number of individuals, who, either by their attainments, or by their popularity, would add to the confidence which Town Councils ought to possess.

Viscount *Melbourne* said, he was anxious to make a few observations before the noble and learned Lord replied: The subject had been so nearly exhausted by the speakers that had preceded him that he was unwilling to occupy much of their Lordships' time; but he was so deeply impressed with the great importance of the question, and the general feeling which existed with respect to it throughout the country, that he considered it impossible for him to go to a division without some observation. The proposition for inserting a qualification had been discussed again and again when the Bill was brought forward, and it was resolved not to introduce it, because it was found utterly impossible to make it effectual. Indeed, it was clearly demonstrated, that no Clause making qualification necessary could be effectual. They all knew the difficulty of making such a Clause applicable, because it was so easily avoided. He agreed with his noble Friend that it might be a matter for consideration whether the 10*l.* franchise ought not to be substituted for rates, but it was quite a different thing when a qualification was required for the electors, and for those to be chosen into the Town Council; and he would ask whether it was prudent or wise to make such a qualification necessary? He must say it was not prudent, because it was founded on an exclusive principle. Why, what was the great complaint against the old system? The great, the supreme complaint was, that there was no community of feeling between the great body of the people, and the Members of the Town Council. Such a Clause, therefore, was contrary to the very policy which the supporters of the Clause contended for—it was contrary to their own policy, unless that qualification could effect their object. He would again say, that it was not only impossible to make it effective, but that there were still stronger objections to it. It was contrary to the spirit and principle of the Bill—it was contrary to the Constitution—it was contrary to the feelings of Englishmen, and the power which the supporters of the Clause expected to gain by it would be dearly purchased by the general discontent which it would occasion. As a proof how easy it was to evade such a Clause, they had only to refer to the qualification required for Members of Parliament. A qualification for a county Member was 600*l.*, and for a borough Member 300*l.* and a qualification of 1,000*l.* for persons filling certain trusts under local acts, but had it not been found easy to avoid such Clauses? If the principle, therefore, could be evaded why attempt to introduce it? They would much better respect the feelings of the people if they shaped the Bill in such a way as that a man should be chosen, not because he had aristocracy and wealth—not because he was the richest—but because he was considered by the great body of his fellow-citizens as the fittest person to fill the station. He said it introduced a new principle into the institutions of the country, and it would introduce a new practice much more odious than the present system. He declared, that after the changes which had been made in the Bill, he was anxious to see it go through the House, and become the law of the land. He had reason to believe, that no change yet made was likely to produce a contrary result. He, therefore, called on their Lordships to pause before they adopted such a principle, "I believe, continued the noble Lord, that if we adopt the Clause proposed by the noble and learned Lord—if we allow only the one-sixth of the citizens—if we allow only the wealthiest of them to be eligible to the Town Council — I believe if we adopt such a principle, it will be more odious, more aristocratical, and more oligarchical than any known principle of the Constitution—it is alien and hostile to the spirit of the British Constitution—it is alien to the feelings and genius of the people, and if it is adopted, I believe it will ultimately be fatal to the measure.

Lord *Lyndhurst* said, that the object which he had in view in proposing his Amendment was the preservation of property. He had shaped it with reference to that purpose, and with reference to obtaining a sound and wholesome system of municipal government. He had attentively listened to the arguments which had been urged against his proposition, but he remained unconvinced. At first it was contended that no qualification whatever was necessary. The noble Marquess and the noble Viscount had, however, abandoned that ground. For his own part he was convinced that if there were no qualification, the Town Councils would, in many cases, be unfit to discharge any trust, and more especially that important trust of taxing their fellow townsmen. The noble and learned Lord referred to several measures, and especially to the Municipal Corporations' Bill for Scotland, to show that the principle of qualification had been uniformly acted upon. In the Poor Law Bill the same principle had been recognised. But it had been said that it was establishing a principle of exclusion. Why, wherever a principle of qualification was adopted, that principle must, in one point of view, be considered a principle of exclusion. He had selected the qualification which he had proposed because he thought it most applicable to a variety of places, and a variety of circumstances; because he thought it the most flexible principle. It was not a narrow principle. If he had taken a fourth instead of a sixth, it would have embraced all the 10*l.* householders in the kingdom. Was that narrow? On the contrary, it was a large and ample principle. Could it be justly considered as fettering the choice of the people? Did it deserve to be stigmatised as it had been stigmatised? It would, however, undoubtedly secure the election of persons who, so far as property went, would be fit for the situations which they were to occupy. No qualification could be conceived which would not bear hard upon some one. He was most anxious, as anxious as the noble Viscount, that the Bill should pass into a law. The subject had created great excitement and agitation. He was anxious, therefore, that the Bill should be passed in such a shape that, if it did not meet with the favour, would at least experience the toleration, of the other House of Parliament. He was so anxious, indeed, to meet the views of that House, and the wishes of the noble Lords opposite, that he would consent to modify his proposed clause.

Lord *Brougham* observed that the noble and learned Lord had better take the 10*l.* qualification at once.

Lord *Lyndhurst* considered it too low. His Clause as a modified clause would stand thus. The noble and learned Lord read the Clause as follows:—

And be it enacted, that on the fifth day of September, in every year, the Overseers of the poor of every parish, wholly or in part within any borough, shall make out an alphabetical list, to be called "The Burgess List," according to the Form No. 1 in the Schedule D, to this Act annexed, of all persons who shall be entitled to be enrolled in the Burgess Roll of that year, according to the provisions of this Act, in respect of property within such parish; and the Overseers of the poor of every such parish, shall, in like manner, on the fifth day of September, in every year, make out another alphabetical list, to be called "The Councillors' List," according to the Form No. 2 in the said Schedule D, which list shall contain the names of such persons in the Burgess List (being one-sixth part of the whole number) as shall be rated to the largest amount of the last assessment, made for the relief of the poor of such parish; and in making out such Councillors' List, all persons who shall be rated at an amount which would entitle any one of them to be placed on such list, shall, whatever may be their number, be entitled to be placed, and shall be placed on such list, notwithstanding it may in such case contain more than a sixth part of the number of houses on the Burgess List; and whenever any person shall be jointly rated, the amount of the rate charged upon them shall, for the purpose of making out the Councillors' List, be deemed to be divided into as many equal parts as there are persons so rated, and each person shall for the purpose aforesaid be deemed to be rated only to the amount of one such part; and all persons entitled to be on the Burgess List for any parish, who shall be seised or possessed of real or personal estate, or both, to the following amount—that is to say, in all boroughs directed by this Act to be divided into four or more wards, to the amount of one thousand pounds; and in all boroughs directed to be divided into less than four wards, or which shall not be divided into wards, to the amount of five hundred pounds, shall be entitled to be inserted in the Councillors' List for such parish; provided that every such person shall give to the Overseers of such parish, on or before the last day of August in every year, a notice in writing, according to the Form No. 3, in the said Schedule D, or to the like effect; and the Overseers shall, and they are hereby required to, insert the names of all persons giving such notice, in the Councillors' List, in addition to the names herein before directed to be placed on such list; and the Overseers in every succeeding year shall, without any fresh notice in that behalf, include in the Councillors' List for such year the names of all such persons so qualified in respect of real or personal estate, as aforesaid, as shall have been retained on the Councillors' List for their parish, after the revision thereof in the preceding year, unless the title of such persons to be inserted in the Burgess List then to be made for such parish shall have ceased; and the Overseers shall sign such Burgess Lists and Councillors, and shall deliver the same to the Town Clerk of the borough, on the said fifth day of September in every year, and shall keep a true copy of such lists, to be perused by any person, without payment of any fee, at all reasonable hours, between the fifth and the fifteenth days of September in every year; and the Town Clerk shall forthwith cause copies to be printed of all Overseers Lists delivered to him, and shall deliver a copy of all such lists to any person requiring the same, on payment of a reasonable price for each copy, and shall cause a copy of all such lists to be fixed on or near the outer door of the Town Hall, or in some public and conspicuous situation within the borough, on every day during the week next preceding the fifteenth day of September in every year.

Lord *Brougham* said, he would vote against the modified Amendment; meaning thereby to express his opinion against any qualification whatever.

The Committee divided on the Amendment—Contents 120; Not-contents 39; Majority 81.

Lord *Brougham* begged, with no unfriendly spirit or purpose, to submit to their Lordships' consideration the probable effect that would be produced upon the country by leaving the Clause as it was at present. His noble and learned Friend said it was his wish to make the Bill as perfect as he could—to make it work well. Now, in order to its working well it must be made acceptable to the country; and was that likely, so long as the measure contained so invidious a distinction between rich and poor as this Clause contained. According to the argument of his noble and learned Friend very little was gained by this Clause. He thought otherwise as to the effect of it. He thought a great deal was obtained by it. But, assuming that his noble and learned Friend was right, and that he was wrong, he would ask was it fitting, was it wise—he would not say was it safe, because he might be misunderstood and misrepresented; but was it sound, or even well considered towards themselves, or calculated to secure the well working of the measure, to stamp upon this Bill that most hateful appearance of excluding every person who was not of the richest class in the community? By adhering to the provision to which he alluded, wealth would become the criterion of eligibility; for it would not be confining the qualification to those who possessed a certain amount of property, but it would be excluding all who did not belong to the richest class of society. Would it, he asked, be a good moral result of their labours to establish such a principle in the government of the affairs of this country?

The Earl of *Devon* said, he had looked upon the question in the last Clause simply as one of qualification or no qualification. It was his intention to move that those who possessed the required amount of property, although not included within the first class, should be eligible for civil office.

Lord *Lyndhurst* said, the noble Earl would have an opportunity upon a subsequent Clause of moving the Amendment he had referred to.

The Clause was added to the Bill.

The Clauses, to the 24th, were agreed to.

The House resumed, the Committee to sit again.

List of the NOT-CONTENTS.

Auckland
Glenelg
Lansdowne
Melbourne
Holland
Lichfield
Conyngham
Howard of Effingham
Teynham
Minto
Radnor
Hatherton
Breadalbane
Albemarle
Lilford
Leitrim
Westminster
Brougham and Vaux
Seaford
Poltimore
Saye and Sele
Plunkett
Charlemont
Burlington
Richmond
Erroll
Ripon
Queensberry
Sefton
Scarborough
Mostyn
Northampton
Strafford
Torrington
Bishop of Chichester
Bishop of Limerick
Bishop of Hereford
Bishop of Bristol

HOUSE OF COMMONS,

Friday, August 14, 1835.

MINUTES.] Bill. Read a third time:—Slave Owners' Compensation.

Petitions presented. By the ATTORNEY-GENERAL, from Dudley, in favour of the Municipal Corporations' Bill.—By the same, and Mr. BAGSHAW, from Sudbury, against the Illegal Proceeding of the Mayor at the late Election.—By Mr. WILLIAMS, from Coventry, and two other Places;—and Mr. HAWKINS, from the Isle of Wight, for the Abolition of the Duty on Newspaper Stamps.—By Mr. WILKS, from Lincoln, in favour of the Municipal Corporations' Bill; from Boston, and by Mr. POTTER, from two Places, against the Sale of Beer Amendment Bill.

IPSWICH ELECTION — CASE OF MR. KEITH.] Mr. T. M. Keith was brought to the Bar in custody of the Sergeant-at-Arms. He was reprimanded by the Speaker in the following terms:

"Thomas Moore Keith, this House has resolved that you aided and abetted in procuring and continuing the absence of John Pilgrim, to prevent his giving evidence upon the petition relating to the Ipswich election, and that you used a charge of embezzlement as a means of inducing Pilgrim to remain in concealment for the same purpose; and that you have thereby been guilty of a breach of the privileges of this House. In the petition which you have presented to this House you have stated that you were carried in custody to your native city, where your business is carried on, to give evidence upon the charge that was preferred against Pilgrim, and that no other person has suffered so severe a punishment. That any person in your situation of life should have felt the punishment to be severe, is natural, because you must have been aware that it was calculated to affect your pecuniary interests and your estimation among your fellow citizens. But you ought to have recollected that your offence has been marked by this peculiar aggravation, that you used the charge of embezzlement, which you preferred against Pilgrim, as a means of inducing him to remain in concealment, in order that he might avoid giving evidence before a Committee of this House. Nothing therefore could be more fit and proper, nothing more calculated to make an impression upon your fellow citizens than to see you brought down in custody to give evidence upon that very charge which you had so very unjustifiably perverted, by using it as a means to induce Pilgrim to add to his imputed crime, that of wilful disobedience to the orders of this House. Your punishment may have been severe, but it has been most appropriate and most fully merited. You have expressed your contrition. This House is disposed to consider your contrition as sincere, and therefore, I have now to acquaint you that you are discharged on payment of your fees."

Corporation Reform.] Mr. *Wilks* presented a Petition, agreed to at a numerous and respectable meeting of the inhabitants of the City of Lincoln. The petitioners expressed their gratitude to that House for passing the Municipal Reform Bill. They felt, however, the most serious alarm at some intimations which reached them that the Bill might possibly be unsuccessful in another place. They prayed, therefore, that the House, as constitutional guardians of the liberties of the people, would take the strongest steps of which the Constitution allowed to ensure the passing of the measure in all its integrity. He trusted the Members of that House would sympathise with the feelings thus strongly expressed by the petitioners; and, if it should become necessary, that means would be taken to ascertain what were the opinions of the people upon the measure, no matter by whom those opinions might be contravened.

Colonel *Sibthorpe* did not mean to impeach the respectability of the petitioners but he felt confident the petition did not express the sentiments of the inhabitants of Lincoln generally,or of the most respectable class of them. He presented some time back a petition from Lincoln, most respectably and numerously signed, of an opposite tendency. The petitioners alluded to what was passing in another place. He gloried in the upright and decided manner in which that House exercised their privileges as an independent branch of the Legislature. He trusted their names would go down to posterity.

Mr. *Sinclair* said, there were parts of this petition which seemed to deny the power of the other House to re-model the measure of Corporation Reform. He was glad that it had been put into the crucible, and that many of its most noxious and objectionable ingredients would come out completely altered in form, that the radical scum would rise to the surface, and, being removed, would render the whole more inoffensive, and more in unison with the taste of the minority in that House, and the majority in the other.

To lie on the Table.

Mr. *Ewart* presented a petition in favour of the Municipal Corporation Reform Bill, which had been agreed to at a public meeting held in Liverpool, and to which 12,000 signatures had been affixed in the course of two hours. The petitioners prayed the House to exert the constitutional powers that belonged to it in asserting the rights of the people, and in preventing any mutilation of this Bill. An hon. Member opposite had talked of the "scum of society." Now, he begged to inform the hon. Member that this petition was signed by the most respectable inhabitants of Liverpool. He trusted that the House would attend to the prayer of the petition, and not permit the mutilation of the Bill in the other House, where it was at present undergoing that process.

The *Speaker* said, the hon. Member must be aware that he was irregular in making those allusions.

Mr. *Ewart* said, he was only answering what had been said on the other side. He would maintain that it was the bounden duty of that House to preserve the Bill in all its integrity.

Mr. *Sinclair* justified the allusion which he had made to the other House of Parliament, on the ground that it was made in reply to imputations cast upon their Lordships from the other side of the House. He did not consider an attempt to swamp the present House of Lords by a new creation of Peers as a constitutional exercise of the powers intrusted by the Crown to the Ministers.

Mr. *Thornely* said, that he had been requested by his fellow-townsmen to support the prayer of this petition, for no other reason, as he supposed, than that they had observed that he was present in his place on the first day of the Session, that he had not been absent from it since, and that he had given his vote regularly in every division. It was a remarkable fact that the respectable meeting of 10,000 persons from which this petition came had determined that they would not address the House of Lords on this subject. He was sorry that the House of Lords did not appear inclined to go along with the House of Commons; and that the people who elected the House of Commons, did not seem inclined to go along with the House of Lords. He thought that if their Lordships only saw the extent of the manufacturing and commercial establishments of the north of England, they would have some difficulty in explaining why those who contributed so much to the power and grandeur of the empire were not fit persons to be intrusted with the privilege of managing their own affairs under the proposed system of Municipal Reform. The petitioners expressed the utmost confidence in the discretion and energy of the noble Viscount now at the head of the Ministry; and he was sure that if the noble Viscount and his colleagues only acted with their usual energy and decision on the throwing out of the English Municipal Reform Bill, supposing such an event unfortunately to happen, they would establish their popularity more securely and more extensively than any of their predecessors in office had ever done.

Mr. *Arthur Trevor* protested against the practice, now unfortunately too common, of alluding so pointedly in that House to the proceedings, or the anticipated proceedings, of the House of Lords. He did not know on what authority the hon. Member for Wolverhamton felt himself justified in declaring that their Lordships were either ignorant of the feelings or indifferent to the welfare of the people of England. It was in his opinion most irregular and unjustifiable for hon. Members to cast imputations upon the House of Lords, which had as much right as the House of Commons to deliberate on every measure that came before it.

The *Speaker* said, the hon. Member was mistaken in supposing that the hon. Member for Wolverhampton had been guilty of any irregularity. The hon. Member for Wolverhampton had expressed his regret that those who had signed this petition had refused to send it to the House of Lords. That was no irregular interference with the privileges of their Lordships.

Mr. *Cresset Pelham* was inclined to give every credit to the ingenuity of the town from which this petition came, especially as it appeared that the inhabitants knew how to affix 10,000 names to a petition in two hours. He thought that there was too strong a sympathy between London and Liverpool to leave the latter town perfectly independent.

Petition to lie on the Table.

BUSINESS OF COMMITTEES.] Mr. *Goulburn* availed himself of a report being presented of the minutes of evidence taken before the Committee to inquire into bribery at Yarmouth to complain of the appointment of Mr. Stewart Marjoribanks in the place of Mr. Wilbraham on the Committee appointed to inquire into the allegations of bribery made against the freemen of the City of York. Mr. Wilbraham had sat on that Committee, and had heard evidence for nine days. On the tenth day Mr. Stewart Marjoribanks had appeared in his stead. That was, as it seemed to him a departure from the rules and orders of the House, which required some explanation from the noble Lord.

Lord *John Russell* said, that in appointing the Committee he had stated that he wished to assimilate its proceedings as nearly as possible to those of an Election Committee. He had therefore recommended, that if any member should be absent for two consecutive days, his absence should be reported to the House, and the House should deal with him as it deemed fit. This had been done in the case of Mr. Wilbraham, and upon that statement being made, Mr. Wilbraham had been relieved from attendance, and Mr. Stewart Marjoribanks had been appointed in his place.

Mr. *George F. Young* said, that as a Member of the York Committee, he could not refrain from expressing the surprise which he in common with every other hon. Member of the Committee felt on finding a new Member added to it, after it had been nine days examining evidence. The Members of that Committee had considered themselves to be acting judicially, and had therefore attended constantly day by day, to hear all the evidence. He had heard with surprise and regret of the addition of a new name to the Committee, as he considered such an addition not to be in accordance with the principles of justice. He made this remark impartially, and without intending any individual application of it, for he had so much respect for the individual added to it, that there was no man with whom he was more happy and proud to act on all occasions.

Lord *John Russell* said, Mr. Wilbraham wished to be released from attendance on that Committee, and as he wished to keep the Committee a fair Commitee, he had proposed to replace him by another Gentleman of similar principles. At the same time he must say that if the hon. Member for Tynemouth, or any other Member of the Committee, had informed him that there was any objection on the part of the Committee to this course, he would have moved to discharge some Member of the Committee whose opinions were opposite to those of Mr. Wilbraham, in order to leave the balance of opinions in the Committee the same as it was when the Committee was first appointed.

Mr. *George F. Young* said, that it was impossible for him to intimate any such objection to the noble Lord, for it was not till yesterday that he knew of the appointment of Mr. Stewart Marjoribanks. As he was not a party man, but the pivot member of the Committee, he had been desired to mention it to the House.

Mr. *Matthias Attwood* said, that the noble Lord had not acted with strict impartiality in selecting these Committees, and that these Committees ought to have been appointed by ballot.

Lord *John Russell* hoped, after the attack which the hon. Gentleman had made upon him, that the House would indulge him with a few words in reply. The hon. Member had argued, that, in consequence of the partiality which he had displayed in the appointment of these Committees, it would be much better that in future they should be appointed by ballot. Whether it would be better that they should be so appointed, was a point into which he would not enter at that moment. This, however, he would say, that such a mode of appointment would be much more agreeable to his feelings. His idea originally was, that these Committees should be so chosen; but he had heard objections urged against that mode of appointment, not by any friends or partizans of his own, but by a right hon. Gentleman not then in his place, the right hon. Member for Tamworth. The right hon. Baronet had requested him to name a limited number of Members upon the Committee, instead of appointing them by ballot, by which it might happen that all the Members of one Committee might entertain one set of political opinions, and all the Members of another Committee entertain others. He had complied, and not without reluctance, with that request, and had consented to name the Members of three Committees. He knew not what opinion might be formed of his conduct by hon. Gentlemen on the other side of the House; but he knew that his Friends on his own side complained that he had appointed the Committee very unfairly as against them. Take for instance this Committee. The persons appointed upon it were Mr. Matthias Attwood, Sir P. Egerton, Mr. C. Villiers, Mr. Wilbraham, Mr. G. F. Young, Mr. Alsager, Mr. Pusey, Mr. Brotherton, and Mr. Grote. In this Committee he could only make out the names of four individuals who voted generally with the Ministers, and with regard to the other five, they generally voted against them. He thought, however, that they were persons who, on such a question, would give a fair and impartial opinion, and would not allow themselves to be biassed by party or political feelings. He was told that Sir P. Egerton and Mr. Alsager declined to attend. He, therefore, replaced them by two Gentlemen on the same side of politics. He nominated the hon. Member for Walsall, at his own request, in the place of one of them. Of that Committee, as he nominated it originally, there were five who always voted with the minority of that House. There was Mr. Matthias Attwood, of him there could be no doubt. To adopt the language of another place, he was a Tory, and something more than a Tory. That was one. Then there was Sir P. Egerton; he too was a Tory and something more than a Tory. That was two. Then there was Mr. Alsager; that was three. Then there was Mr. G. F. Young, a Tory and more than a Tory [Mr. *G. F. Young*—"No, I beg pardon"]—that was four; and then came Mr. Pusey—that was five. If the House should look at all the divisions of the Session, he would undertake to say, that it would find the names of those five Gentlemen, in every four out of five divisions, against his Ministry. After what had fallen from the hon. Gentleman on the other side of the House, he should not offer any objection to the plan, if the House thought that in future Committees ought to be appointed by ballot. He was of opinion, that the Gentlemen on his side of the House were more likely to derive advantage from such an arrangement than the Gentlemen on the other side.

Mr. *George F. Young* hoped that he might be permitted to say a few words in his own defence, after the very pointed allusion, or he should rather say attack, which had been made upon so humble an individual as himself by the noble Lord. He was, indeed, surprised that the noble Lord should have come to the astounding conclusion—and one so contrary to the fact—that in every four out of every five divisions he had voted against the noble Lord. He could assure the noble Lord that he was much mistaken on that point. Not even the knowledge, however, that the noble Lord entertained such a belief should induce him to abstain from voting with the noble Lord, except in cases where some paramount obligation of conscience compelled him to vote in a different manner.

Mr. *Goulburn* thought that the decision of the Yarmouth Election Committee fully justified the confidence which the noble Lord had placed in its members. That Committee and the York Committee were, as he understood, to decide like ordinary Committees, and not like judicial tribunals. He thought that Members who had not heard the witnesses examined ought not to give an opinion upon their evidence. The York Committee had been engaged ten days in taking evidence; and he thought that it was not right that a Member recently added to that Committee should give an opinion upon the evidence which that Committee had collected, but which he himself had not heard.

Colonel *Perceval* said, that, before this conversation dropped, he begged to state, that not one Member on his side of the House had been appointed on the Committee to inquire into the nature, extent, and character of Orange Lodges in Ireland.

Subject dropped.

Orange Lodges.] Mr. *Hume* moved that a message be sent to the Lords, requesting that they will allow the attendance of the Duke of Gordon and of Lord Kenyon—the first the Grand Master of the Orange Lodges in Scotland, and the latter the Grand Master of those in England—before the Committee now appointed to inquire into the existence of Orange Lodges in England and Scotland. Yesterday a noble Lord attended before the Committee, and he now begged to state, in reply to an insinuation which had been thrown out on the other side of the House, that he had then, in the hearing of the hon. Members for Cardiff and Cavan, asked the hon. Member for Buckingham, both in public and in private, whether he could give him the names of any hon. Gentlemen on his side of the House who were willing to act as members of that Committee. He had said, that they might send in any name they chose, but no notice had as yet been taken of that communication.

Colonel *Perceval* gave the hon. Member credit for wishing to act justly and impartially in this investigation; but could he defend the original formation of the Committee on Orange Lodges? There were sixteen Members on it of one way of thinking, and only seven of the other. He admitted that the hon. Member for Kilkenny had come over to his side of the House, and had asked him and his Friends to meet him for the purpose of forming a fair Committee. Other counsels, however, subsequently prevailed. He must say, that interested as he was on the point as an Orangeman, he had never heard before of the communication made by the hon. Member for Middlesex to his hon. Friend, the Member for Buckingham.

Mr. *Hume*.—Then I take this opportunity of moving that Colonel Perceval be appointed a member of that Committee.

Colonel Perceval begged leave to decline the appointment.

Sir *Thomas Freemantle* put it to the hon. Member for Middlesex, whether it was fair to pursue this inquiry further at this period of the Session? He admitted that the hon. Member for Middlesex had come to his hon. Friend, the Member for Cardiff, and himself, and asked them whether they could give him the names of any Friends who were willing to act on the Orange Committee. We said that we could not find any Members on our side of the House who would remain in town at this season of the year to attend that Committee. After an attendance of six months, during a very fatiguing Session, they were satisfied in excusing themselves from attendance on such a Committee. There is not one Member on this side of the House who can attend: is it, then, fair to continue the investigations of this Committee?

Mr. *Warburton*.—The object of this Committee is to inquire, and not to adjudicate. The evidence collected by the Committee must be laid before the House, and the House would then adjudicate upon it.

An *hon. Member*.—As a Member of the Committee upon the Orange Lodges, I beg leave to ask the hon. and gallant Member for Sligo, whether he means to say that there has been anything unfair in the proceedings of that Committee?

Colonel *Perceval*.—I will answer that question frankly and honestly. I think that any Committee composed of Members whose opinions bear exclusively one way are very likely to be carried away, even without intending it, by their feelings. The Members of one party examine a witness. They come to a point which sustains their opinions, and having got from the witnesses all they want, they decline to push their examination further. I think that a Committee of sixteen Members, all of the same opinion, without intending to act improperly, may come, and, indeed, will come, to conclusions very opposite to those, at which a Committee, composed of men of different opinions, all eager to get at the truth, would arrive.

Mr. *Roebuck* wished to know whether the hon. and gallant officer would apply the principle which he had just laid down to the Orange Grand Juries in Ireland?

Colonel *Perceval.*—The Orange Grand Juries are upon their oaths, and are sworn to act honestly, indifferently, and impartially. I defy the hon. and learned Member for Bath, and, indeed, any other Member of the House, to point out a case where Orange Grand Juries have not faithfully discharged their duties. Within the last few months, in my own county, an Orange Jury has found an Orangeman guilty, and the man suffered in consequence. The Orange Lodges are not associations which are likely to undermine the respect which is due to truth.

Mr. *Aglionby* said, that he could not take offence at anything which had fallen from the hon. and gallant Member for Sligo. He admitted that party considerations often swayed the mind and made men fall almost unknowingly into mistakes. With reference to the Committee on Orange Lodges, of which he had the honour to be a member, so long as the House continued its existence, so long should he be ready to serve upon it. No fear of obloquy, no dread of misrepresentation of his motives, would prevent him from doing his duty as a member of that Committee. He regretted exceedingly that hon. Gentlemen on the other side of the House had not attended the investigations of that Committee. He did not mean to impute any blame to those hon. Members who thought that the existence of Orange Lodges was advantageous to the country. On the contrary, he should feel much obliged to them if they would attend to assist him in ascertaining the truth respecting the objects of such societies. He should continue, he repeated, to attend the Committee, and to put questions on all points where he entertained doubts; and he should put those questions with the greater eagerness wherever the answers were likely to tell in favour of the Orangemen. For his own part, he would much rather bring in a verdict of acquittal than of guilty against the Orange societies.

Mr. Hume's Motion was agreed to.

Mr. *Hume.*—I now beg leave to move that Captain Gordon, the Member for Aberdeen, be appointed a member of the Orange Committee.

Captain *Gordon.*—I must decline the honour.

Mr. Hume.—I move then that Sir John Yarde Buller be appointed a member of it.

Sir *John Yarde Buller.*—I hope the House will let me be excused. I attended the Committee on Orange Lodges on its first formation in March last. I continued to attend till I was appointed a member of the Committee on the Great Yarmouth election petition; and after having been a party to two such laborious investigations, I hope the House will have me excused.

Mr. *Hume.*—Well, then, I move that Major Fancourt be appointed a member of this Commitee.

Major *Fancourt.*—I don't wish to have that honour.

Subject dropped.

PREROGATIVE OF MERCY.] Captain *Jones* said, the House would recollect the case of some Roman Catholics, convicted at the Derry Assizes, whose sentence had been remitted by the Lord-Lieutenant of Ireland on the ground that a petition had been presented in their favour signed by the jury who tried them, and also by the Mayor of Derry. Their case had been before brought under the notice of the House, and he would beg to ask the noble Secretary for Ireland, whether he was aware that the petition, alleged to have been signed by the jury, was not signed by them? He would also ask whether the noble Lord had received any intimation from Ireland that the jurors had not signed that petition, and that the names subscribed to it were forgeries? If the noble Lord were aware that the signatures to that petition were forgeries, then he had to ask the noble Lord whether he intended to institute an inquiry into the means by which, and into the parties by whom, that forgery was effected? and lastly, whether he would lay the petition so presented to the Lord-Lieutenant upon the table of that House?

Viscount *Morpeth* felt himself under an obligation to the hon. Member for mentioning the subject, for otherwise he was not sure whether he should have been warranted in trespassing on the indulgence of the House, even if he had stooped to the offer of an explanation, in consequence of the attacks upon him proceeding from a Court of Justice in Ireland, and echoed from a situation nearer home. The imputed blame divided itself into two heads—the one applied to his Excellency the Lord Lieutenant, for not having paid due deference to the learned Judge who tried the case, and the other to himself, for having put forward an unfounded statement. As to the Lord Lieutenant, as he did not understand that the charge was renewed, he should only mention that so far from having shown any slight to the learned Judge by acting before he had ascertained his opinion, it was only after thoroughly examining and anxiously weighing the opinion handed over to him by his predecessor, Lord Haddington, that Lord Mulgrave proceeded to act. Surely it would not be contended that the exercise of the prerogative of mercy was to be exclusively limited by the opinion and report of the Judge. The opinions of the Judges were very proper and necessary ingredients in forming a decision, but he trusted that the responsible advisers and the representatives of the imperial crown of this country, were not, in all cases, to be bound by them. With respect to his own share in the transaction, he found that the proceedings took place at the Assizes which had just terminated for the county of Londonderry, and he would read to the House the report from *The Dublin Evening Mail*, of what took place in the Court-house of Londonderry, before Baron Pennefather:—

"Eight of the jurors, it was stated, attended in the Crown Court on Thursday last, and Mr. Robert Mills, one of the jurors, stood forward and addressed his Lordship to the following effect:—

"'My Lord, a statement has gone abroad that the jurors who tried a certain case at the last Assizes signed a petition, praying for a mitigation of punishment for one party. As one I declare that I never signed any such document; and several of my brother jurors are now present, eight in all, to make the same declaration. The other four are in the country, but will, we have no doubt, declare as we do to-morrow. We have here, my Lord, drawn up a statement to this effect, which we request your Lordship will have the goodness to forward to his Majesty's Government. We are utterly incapable, my Lord, of stultifying ourselves by such an act as is attributed to us.'

"His Lordship said he should certainly comply with their request; but, as it was better that all the jurors should sign the document before he took charge of it, he should leave it with them till the next day. There was, he said, another individual also who lay under the imputation, or calumny, he would call it, of having signed the memorial to the Lord Lieutenant. He wished that he too would then come forward and release himself from it. His Lordship added, that he could not conceive anything more injurious to the due administration of justice than that misrepresentations should be circulated respecting what jurors or persons in a Court of Justice did. It was most mischievous.

"The whole of the jury have since signed the document, and entrusted it to Baron Pennefather."

He was not yet in possession of this document, but he was in possession of the petition on which his statement had been grounded, and regarding which he then only spoke from information. He only forbore from laying it regularly before the House, because he was unwilling to set a precedent which might unduly interfere with the right of the Crown to exercise its discretion on this most delicate but invaluable prerogative; any hon. Member, however, who wished to see it should be freely and fairly welcome. It was a petition from Isabella Maclachlan, the mother of one of the prisoners then confined in Derry gaol for taking part in a riot; it besought the mercy of the Lord-Lieutenant, and to her signature were attached twelve other names, all different, and all in different hands writing, with this addition, "We whose names are above written, who sat as jurors on the trial of the prisoner, very humbly implore your Lordship in his favour, and we, as in duty bound, will ever pray." The hon. Member had asked whether he looked upon the signatures as forgeries? Undoubtedly he did not; and what was more, the learned Judge did not seem so to have considered them, because when the petition was forwarded to him he commented on the circumstance that the jury had petitioned without any allusion to the notion of forgery. But was it to be said, that the jurors only signed the petition on behalf of one prisoner, whereas he had made no such distinction in his original statement? The learned Judge in his report clearly stated, that the prisoner in question, of the name of Maclachlan, took an active part in commencing the riot—that he had acted as ringleader, and that he could not recommend his case to mitigation. Therefore if the jury petitioned the Lord-Lieutenant for mercy to one of the prisoners, it was not to be supposed that they excluded from their prayer other prisoners who had been guilty at the same time and of the same offence. Another petition was from the four prisoners, James Yorke, Boyle, Maclachlan, and Doherty, and it was signed by James Yorke for himself and his fellows, to which a note was annexed signed John Gillespie, Mayor of Derry, entreating the Lord-Lieutenant to give a favourable consideration to the case. This probably was the individual alluded to by Baron Pennefather when he talked of other imputations and calumny, and when he trusted that the individual against whom they were directed would come forward. He, looking at the respectability of the signatures, merchants, physicians, and solicitors, did not think that they would take the opportunity of coming forward to relieve themselves from the imputation and calumny of having petitioned the Lord Lieutenant for the exercise of the Royal Prerogative of Mercy. These were the facts, and any comments upon them, from the situation he had the honour to hold, he thought himself debarred from making.

Sir *Robert Ferguson* said, that the petition was signed in favour of only one of the parties. Some of the persons were sentenced to a greater punishment than the others. It was stated to him by some of the jury that they thought there were circumstances in Maclachlan's case which particularly entitled him to the favourable consideration of the Lord-Lieutenant. He had not seen the report in *The Evening Mail*, but he had seen in a Derry paper what fell from Baron Pennefather, which did not include the passage now referred to.

Viscount *Morpeth* was unwilling to quote unnecessarily from confidential documents; but the learned Judge's statement was, that although Sir Robert Ferguson said he had been informed by some of the jury that there were circumstances in the case of Maclachlan which entitled him to consideration more than others, he (Mr. Baron Pennefather) had since read his notes of the trial, which were very long, and the conclusion he came to was, that the sentence on Maclachlan was not too severe, and that there ought to have been no remission of it.

The conversation ended.

THE BUDGET.] On the Motion of the Chancellor of the Exchequer, the House resolved itself into a Committee of Ways and Means.

The *Chancellor of the Exchequer* rose and spoke as follows:—I shall endeavour to discharge the duty which has devolved upon me, that of stating to the House the present condition of the finances of the country. I shall perform my task as clearly and distinctly, and at the same time with as much frankness and sincerity as I can. I am aware, however, of the great difficulty of the undertaking, performing it as I now do for the first time, and I have need, therefore, to the utmost extent, of the indulgence of the House: I shall have nothing to offer but a dry detail of figures, which cannot possibly be attractive, except from the important consequences which attach to them. I trust, therefore, that hon. Members, while listening to the accounts I am about to give, will rather consider those consequences than the facts, and extend to the subject that indulgence which even personally I should venture to ask. My difficulties are undoubtedly increased by considering that I am, unfortunately I may say, succeeding, in the exposition of the financial state of the kingdom, one whose personal and public character gave him peculiar claims upon men of all parties, and who merited the approbation of all. I cannot help recollecting that the last financial statement was made by Lord Althorp, in whose sincerity and frankness the whole House was ready to place entire and perfect confidence. I allude to Lord Althorp, not because he needs, or that it is becoming in me to pronounce, an eulogium upon his character and services, but for the purpose of making the House aware of the disadvantage and difficulty I labour under, when I state that the course I shall endeavour to pursue on the present occasion is that which he was accustomed to take during the period when he filled the office I have now the honour to hold. In making my statement, I do not mean to conceal anything, I do not mean to keep back anything, and still less shall I think it fitting, for any temporary purpose, in any, the slightest, degree to exaggerate or colour any part of my statement. Before I approach the subject itself, I should wish to call attention to a further source of difficulty which I have to encounter, and which circumstances do not permit me to overcome. It has its origin in a cause of which, however it may affect me, the House and the country have no reason to complain, nor can I expect any sympathy from the Committee with the difficulties which are imposed on by the vast reduction of expenditure, and the vast diminution of taxes which have previously taken place. It must be clear to every hon. Gentleman who hears me, that every reduction heretofore made renders it more and more difficult to carry the principle of reduction farther. On this account, acknowledging as I have always done, with readiness and pleasure, the great reductions made by the Administration of his Grace, the Duke of Wellington, the difficulty of effecting farther reductions being increased, the merit, (if I may venture to say so, and I do not know why I should not speak the truth) of those who carry reductions further is increased in proportion. I shall not, on this occasion, go into any prolonged detail on this point; but it is actually necessary that I should bring before the Committee the amount of reductions already made. This I shall do, not confining the statement to the Administration with which I am connected, but, including reductions made by preceding Governments, I shall direct attention to the enormous reductions which have been carried into effect since the peace. I find that the total amount of taxation reduced since 1814 — I mean the gross amount, for that is the fair way of making the calculation for all parties—has been no less than 40,191,000*l.* approaching actually within about five or six millions to the whole amount of the revenue at present collected. Of that sum nearly seven millions, that is to say, 6,954,000*l.* was reduced by Lord Grey's Government. Accompanying this general reduction, a corresponding reduction has been made in the votes in supply. I have taken from the year 1817 to the present time in averages of four years, and from 1817 to 1821 the votes in supply were on the average, 18,872,000*l.* In the next four years, down to 1825, they were reduced to 16,721,000*l.* In the four years from 1825 to 1829, there was an increase on the average amounts to 18,023,000*l.* From 1829 to 1833, the average was reduced again to 16,115,000*l.* in the year 1834, the annual supply amounted to 14,479,000*l.* and in 1835, it was 14,136,000*l.* Thus it appeared, that in that interval the votes in supply had been reduced from 18,872,000*l.* which was an average of the first four years from 1817, to the sum of 14,136,000*l.* the amount of supply voted during the present year. After such reductions, how can I hope to carry much further this work of economy? Former reductions, however, do not constitute the only difficulty with which I have had to contend, because there have been cast upon me, not by the estimates for which the hon. Gentlemen opposite are responsible (of which I am so far from having to complain, that I take this opportunity of stating that, generally speaking, they were prepared with great care, and with an earnest desire to observe as moderate a scale as possible); but, there have been, at the same time, cast on me some extraordinary votes, partly upon their estimates and partly upon mine, which have prevented a still greater reduction, which, but for this fortuitous circumstance, might have been made. For instance, the fire which unfortunately destroyed both Houses of Parliament has added 69,700*l.* to the estimates for the year. The compensation given to one class of the Danish claimants, not connected with the direct expenditure of the year, nor with the responsibility of the present Government, has occasioned an increase of 113,000*l.* The fire which occurred in the Dublin Docks has added 68,000*l.* and the vote to the Poles 10,000*l.* There is another vote not belonging to the service of the current year, but introduced into a supplementary estimate on grounds which, I think, are quite satisfactory to the House—I mean the second vote for revising Barristers. It was thought that these professional gentlemen who had given their time to a public duty ought not to be compelled to wait for their money until the political contingencies of the day enabled Ministers to pay them. Their claims had accordingly been provided for in advance by estimate, and they amount to 22,500*l.* Then there is a vote, which although it appears in supply, less resembles a vote of supply than a remission of taxation. I allude to the sum of 110,000*l.* granted on the recommendation of the Committee of last year in reduction of the county-rates. To these votes are to be added 6,000*l.* granted for the purchase of works of antiquity by the British Museum, and 25,000*l.*, a perfectly novel vote, for education in the West-India Colonies. There is another vote which does not appear in the estimates, though it has been agreed to by a Committee of the whole House, as the foundation of a Bill to which I anticipate no objection—a Bill for the relief of the sufferers by the hurricane at Dominica. That vote amounts to 12,000*l.* The total of these several sums is 436,000*l.*, which might be looked upon as an extraordinary charge, and interferes with any plan of reduction of taxes which might otherwise have been entertained. I next proceed to state the income and expenditure of the present year. In the first place, I beg to refer the House to a document already on the Table, the balance sheet to the month of April, which shows, in round numbers, an income of 46,087,000*l.*, and an expenditure of 45,185,000*l.*, leaving a surplus of 902,000*l.* If there has been an inconvenience in the delay of the Budget, on which some observations were heretofore made, but for which delay my right hon. Friend opposite (Mr. Goulburn) knows well that I am not responsible, because he is aware that I could not have made this statement sooner, it has some corresponding advantage to balance such inconvenience. It has enabled me to have before me the produce of the revenue for another quarter, and the calculations as to the future income and expenditure which otherwise might be made without sufficient data, can now be rendered more certain and more accurate. I have said, that on the April balance sheet there is a surplus of 902,000*l.*, but on the balance sheet of July the income for the year appears to have been 45,539,000*l.*, and the expenditure 44,334,000*l.*, showing a surplus of 1,205,000*l.*, to be compared with the April surplus of 902,000*l.* As far as the progress of ordinary revenue and ordinary expenditure go, I cannot but hope that the statement I have now made will be satisfactory to the House; hon. Members will have the goodness to recollect that in the one case, as well as in the other, we have to take into account the charge for the compensation so justly granted on account of the abolition of slavery. I make the statement simply in reference to the two balance sheets, to show what would be the state of the case in usual course, as comparing the amount of the ordinary revenue with the amount of ordinary expenditure; we shall afterwards see how this surplus is diminished by reason of the new engagements of the country. In order to enable the House to understand the exact position in which the country is at this moment placed, I shall now proceed to compare the calculations, for the years 1834-5, of my noble Friend, Lord Althorp, made by anticipation in July last, with the actual results of the year which has closed, and I shall then state my anticipations with respect to the year to come. I shall endeavour to simplify the matter as much as possible, because hon. Members who are conversant with the subject will be easily able to fill up my outline, and those who are not will be better satisfied that I should lead them to results rather than give them the details. Lord Althorp anticipated a receipt of income amounting to 45,778,000*l.*, and the balance sheet has shown an income of 45,539,000*l.*, exhibiting a falling-off in income below the calculation to the extent of 239,000*l.* My noble Friend calculated the expenditure at 44,800,000*l.*; whereas, in point of fact, the expenditure did not exceed 44,334,000*l.*; so that there has been a diminution in the expenditure of 466,000*l.*, to set against a diminution in income of 239,000*l.* My noble Friend calculated upon having a surplus of 978,000*l.*; but the surplus shown in the balance sheet is 1,205,000*l.*, being a surplus of 227,000*l.* more than was anticipated by my noble Friend. I have excluded from this statement the charge on account of the West-India Loan. That charge, however, would not vary this comparison in the slightest degree, because it would equally enter into the calculation in both accounts. Up to the present period, no individual could be enabled to state exactly what the charge on account of that loan would be; but the calculation made for the purposes of finance, fixed the amount at 750,000*l.* I shall now proceed to state my estimate for the ensuing year. I had a calculation made for the year ending in April, for the purpose of laying it before the House at an early period of the Session; but I am now enabled to state my calculations for the year ending in July, 1836. I shall first state the general results, and next the grounds upon which they rest. I calculate the income of the country for the year 1835-36, at 45,550,000*l.*; and the expenditure at 44,715,000*l.*; leaving a surplus upon estimate of 835,000*l.*, subject to certain charges to which I shall presently call the attention of the Committee. I shall give in detail the elements on which this calculation is founded. The Customs, in the last year, produced 19,182,000*l.* I calculate the amount for the present year at 20,000,000*l.* Last year the Excise produced 13,880,000*l.* I calculate the Excise for the present year at 13,270,000*l.*, thus making the total of the Customs and Excise for the last year ending April 5th, 1835, 33,062,000*l.*; and for the present year, 33,270,000*l.* The Stamp-duty produced last year 6,998,000*l.* I calculate the Stamps this year at 6,980.000*l.* Taxes in the last year amounted to 4,312,000*l.*; I calculate them this year at 3,600,000*l.* The Post-office last year produced 1,506,000*l.*; I calculate the revenue of that department this year at 1,500,000*l.* The Miscellaneous receipts produced last year 206,200*l.*; I calculate them this year at 200,000*l.* Thus the total amount of the income of the last year was 46,087,000*l.*; and the total amount calculated for this year is 45,535,000*l.* These totals as stated to the House are correct, although they may not strictly correspond with the different items I have recapitulated, owing to the omission of the fractional parts. I now proceed to state the estimated expenditure for the present year. I take the expenditure on account of the public debt, funded and unfunded, excluding that portion of the interest on the West-Indian loan which may become chargeable within the period for which my calculation is made, at 28,540,000*l.*; the other charges upon the consolidated fund amount to 2,040,000*l.* therefore the total fixed expenditure of the country will be 30,580,000*l.* If to this be added the annual grants in Committee of Supply for the payment of the Army, the Navy, the Ordnance, and the Miscellaneous Expenditure amounting to 14,135,000*l.*, the total Expenditure will amount to 44,715,000*l.*; so that upon this Estimate of Income and Expenditure there will be a surplus, as I stated before, of 835,000*l.* Now, let no hon. Friends who sit behind me, from an anxiety and solicitude in discharging their public duty on account of this supposed surplus, ask for a further remission of taxes, which cannot be conceded without prejudice to the public credit of the country—let them not assume, because I have hitherto stated that there is a surplus of 835,000*l.*, that therefore it would be competent for me, or would fall within the bounds of my duty, to propose a remission of taxation to that extent. Would to God it were, Sir! I can assure hon. Gentlemen that there is no portion of the duties of a Chancellor of the Exchequer that can be so agreeable to his feelings, as proposing the repeal of an unpopular tax; and, if Ministers find themselves bound to resist the applications that are made from time to time, then Gentlemen must do us the justice to believe, that we are led to do so most reluctantly, and that it can only be from a sense of duty that we make a stern and determined stand against the remission or reduction of taxation, and that it is only done when such reduction or remission is likely to be attended with danger to the permanent interests of the country. But I am not in this case confined to this argument in justification of the course we felt it our duty to take; because, I regret to say that the surplus of 835,000*l.* calculated on the ordinary expenditure of the country, will be found to crumble away before the further statement which it is now my duty to make. We had a discussion on the subject last night, which for a moment was repeated early this evening, not in any tone or temper of which I complain, because I am far from complaining of any hon. Gentleman who, in discharge of his duty, thinks it right to vindicate his opinions, but I am happy to say, that, in this case, the hon. Member who differed from the Minister, differed also from a large majority of this House; we had, Sir, a discussion last night, on the propriety of providing for the payment of interest to the West-Indian proprietors from the period that they suffered a pecuniary loss by reason of the abolition of slavery, and the House came to a determination that it was just so to provide that compensation. It was intended at the time the grant of compensation was made; and if it had not been so intended, it is so clearly an act of justice, that if it depended only on a construction of law, we must have come to the same conclusion that the House adopted upon discussion. This interest has not, up to the present time, been voted. It has appeared as a part of the balance in the Exchequer, by reason of the exercise of that power which the Commissioners for the National Debt possesses, of applying the surplus of the year in payment of deficiency. The Treasury, therefore, has now a fund with which it is competent for us to deal. The interest due to the slave-owners, is to be provided for from the 1st of August, 1834. I shall now state the case with regard to the claims on the surplus of 835,000*l.*, and I shall do so in the strongest manner against myself—not that I think such a case likely to arise, but because I think it is my duty to state the case, with respect to the liabilities of the country, in the strongest way in which it can be put, so as to avoid encouraging any false hopes, or leading to any delusive expectations. I shall afterwards explain the difference between the case which I am now about to state and the case which I think is likely to occur. The House will very readily see the necessity of making the one statement as well as the other, and of explaining to them and to the country how the matter stands. The maximum of the charge to which the country might be liable from the 1st of August, 1834 (assuming the amount awarded to become payable in September), is 730,000*l.*; then supposing further, that the whole balance of the loan were to be paid up within three months on discount, and that the permanent interest on the whole amount of the stock were at once incurred, this would subject us to a further charge of 250,935*l.*; making the total charge for the present year, on account of the West-Indian loan, nearly 1,000,000*l.*; against which we can set off a surplus of 835,000*l.*; so that if this mode of stating the case should ultimately prove to be the real condition of the demand upon the country, there would practically be a deficiency of 170,000*l.*, instead of a surplus of 835,000*l.* But there is no probability—indeed I might almost say, no possibility—that such an amount of charge should occur. I have only stated it as the amount of liability which, under very peculiar circumstances, might exist; but it is an alternative which is not in the slightest degree likely to take place; on the contrary (without, however, having the means of making an estimate, but being left in a certain degree to conjecture) I should say that the amount, in the place of being 1,010,000, would not exceed a sum between 600,000*l.* and 700,000*l.* so that the actual surplus which may be expected will be from 150,000*l.* to 200,000*l.* While on this branch of the subject, I beg leave to state to the Committee that the amount of charge on account of the West-India loan is greater for the present than it will be in future years. Supposing that the remaining sum of 5,000,000*l.* which has yet to be raised, should be contracted for at the same rate with the 15,000,000*l.* already raised—a rate which I shall continue to think, notwithstanding what my hon. Friend, the Member for Middlesex has stated, to be very favourable to the public—not only positively favourable, but more favourable than could have been expected; I say, supposing the 5,000,000*l.* should be contracted for at the same rate, the charge in future years, in place of being 1,010,000*l.*, would only be 742,810*l.* I hope I have made the statement clear and distinct. Perhaps it would be better for me not to enter into the matter any further at present; but if any Gentleman wishes for additional explanation, I shall readily give it hereafter. I have already stated that the grants in Supply amount to 14,135,000*l.* It may be convenient to state the particular items;—

Army - -	6,189,000*l.*
Navy - - -	4,245,000*l.*
Ordnance -	1,296,000*l.*
Miscellaneous -	2,405,000*l.*
Total Supply	14,135,000*l.*

Hitherto I have assumed the calculations I have made of the amount of the revenue to be correct; but I will now endeavour to state the grounds upon which those calculations are founded. In doing so, I entreat the attention of the House, because I believe, that from the statement which I am about to make, two matters of great importance will be distinctly proved: first, that the calculations are in no respect exaggerated, or carried beyond proper limits; and, secondly, that an analysis of the revenue of this country exhibits symptoms, and not only symptoms, but proofs, of the general well-being and the soundness of this country in all its most important relations, a conclusion which cannot but be gratifying to all who hear me. I will take the first great department of revenue — the Customs. Gentlemen will have the goodness to understand that I am now about to deal with quantity, and not with amount in money: because, in order to estimate consumption, I cannot have reference to any other test than the amount of the quantities of the respective goods which enter into consumption. Now, in order to show that my estimate of 20,000,000*l.* for the Customs, in the present year, does not exceed a fair estimate, I will take some of the more important articles paying Custom duty, which will best exemplify the principle on which my calculations are made; and which, I hope, may induce the Committee to place confidence in my other calculations. I begin with cotton wool. The consumption of cotton wool, according to the Customs' return, was as follows:—

1833 -	284,460,000*lbs.*
1834 - -	297,047,000.
1835 -	320,210,000.

I believe those who know the present state of the manufacturing districts of this country (of which I shall have a word to say hereafter) will not think that I am over-sanguine in calculating that the quantity of cotton to be consumed next year will be fully as great as what was consumed in the last. Indeed, from the present state of the manufacturing interest, I do not see any other limit to the power of consumption than the means of obtaining supplies of the raw material; for to me the question is, whether the demand will not exceed the power of supply. But in place of calculating on a corresponding increase for the next year, I have taken the average of the three years only which amounts to 310,629,000lbs. I now proceed to another article of consumption, small in amount, but important as leading to other financial calculations. My right hon. Friend, the Secretary of the Board of Trade, who introduced a measure last year with respect to Customs' duty, will hear with satisfaction the statement I am about to make: I refer to the article of oil. On that article the duty was reduced; and what has been the effect of that reduction upon the consumption of oil?

	Galls.
1833 - -	1,131,000
1834 - - -	1,487,000
1835 - -	2,077,000

Such gentlemen as are interested in our manufactures, perfectly well know the extraordinary importance of obtaining oil at a cheap rate. [Mr. *Goulburn:* Of what oils are you speaking?] I am speaking of vegetable oils, not exclusively of salad oils. Those who remember former debates will understand the allusion to salad oils. I now am speaking of something more essentially important than salad oils. I am showing the great benefit that has accrued to the manufacturing interests by the reduction of the duty on oils. I do not think I shall be wrong in assuming that the consumption of next year will be as great as that of last year; but in order to avoid any possible delusion on the subject, in place of taking the quantity at 2,077,000 gallons, I have taken the average of the three years, being 1,780,000 gallons. The next article is coffee, with respect to which I have again taken the average of the three years, in place of taking the amount consumed last year. The progress of the consumption of coffee stands thus:—

1833 -	23,298,000*lbs.*
1834 - -	22,308,000
1835 -	23,143,000

My estimate for next year is the average, viz. 23,143,000lbs. I now proceed to the consumption of Sugar.

Sugar retained for Home Consumption.

1833 -	3,687,000*cwt.*
1834 - -	3,743,000
1835 -	3,746,000

But in place of calculating on an increased consumption next year, as I should be well warranted in doing, I have again taken the average of the three years, which is 3,726,000 cwt. I now come to one of the most important articles in the whole of our Customs—one which has been made matter of legislation during the present year — I mean the article of *Tea.* In 1833, the amount consumed was 30,720,000lbs.; in 1834, 32,480,000lbs.; in 1835, 35,580,000lbs. Not to mislead the public, I decline taking credit for the great increased consumption, which I verily believe will inevitably take place in the course of the present year, I have only calculated on the consumption of 36,000,000lbs. I wish rather to understate than overstate the amount. I shall rejoice if next year I should find I have understated it; but I should lament if any one should tell me that I had exaggerated my estimates. I beg the Committee to recollect that in all these cases I am dealing with the financial year from the 5th of April to the 5th of April. I must take the liberty of stating, that though such is my calculation for the purposes of estimate, I yet have good grounds to anticipate a revenue on tea considerably increased beyond what I have stated. I am anxious to explain what those grounds are; I rely not only on the state of the country, but on the alteration in the system of the tea-trade which has recently taken place. The consumption of tea has been gradually increasing in this country for many years, and there is nothing in the habits or condition of the people to forbid us from anticipating increasing consumption, even if there had not taken place in the law an alteration, which will diminish the price, and promote a greater consumption of tea. I am authorized to conclude from the past—that the gradual increase may still continue. The progress of the consumption has been astonishing, and speaking in round numbers, and taking no fraction of a million of pounds, I shall state that progress to the House.

Consumption of Tea.

1824 -	23,000,000*lbs.*
1825 - -	24,000,000
1826, 1827, 1828 -	26,000,000
1829 - -	29,000,000
1830, 1831 - -	30,000,000
1832, 1833 -	31,000,000
1834 - -	33,000,000
1835 - -	35,580,000

If, then, no alteration of the law had occurred to change what had been the state of things during the past years, there can be no doubt that we might have anticipated an increased consumption during the present year. But what has, in fact, occurred since the last year? We know perfectly well that, in consequence of the alteration in the tea-trade, purchases of tea have been made to a great extent; we also know that in consequence of the increased competition in the tea-trade, and of the reduction that has taken place in the upset prices of the East-India Company, the amount of tea, which is either in the country, or about to be brought into it, will be greatly augmented, so that it is perfectly inevitable that a much larger consumption will take place in the course of the next year, than has taken place in any preceding year. But as this is an hypothetical increase, I take no credit for it in the amount of my balance sheet, for I have no right to trust to mere hypothesis for any part of my statement. If this augmentation take place in the consumption of tea, so also I may anticipate a proportional augmentation in the consumption of sugar. Then, if these causes of increased revenue actually exist, I think the House will perceive that I have not strained my argument, nor assumed too large a sum as the probable revenue of the next year. There is but one other article liable to Customs' duty, to which I shall allude—I mean the article of Tobacco. This is an increasing item of revenue. My hon. Friend, the Member for Middlesex, says, take off a portion of the duty, and the revenue will further increase. Why, Sir, there is no experiment I should make with more pleasure than the experiment of reducing taxation for the purpose of increasing consumption. But I dare not make such an experiment at the hazard of shaking the credit of the country. When we have a *bonâ fide* surplus to deal with, then it may be right so to apply it. But we ought not to venture on such reductions, if by making them we place at risk too large a proportion of the public revenue. My hon. Friend, I am aware, thinks that nothing is gained to the public if the amount of taxation actually collected continue the same. But I say that a great deal is gained by a judicious reduction of taxation, which, without diminishing the aggregate amount of revenue raised, gives relief to the consumers and the tax payers. Suppose one million of taxes were raised upon the consumption of goods twenty millions in value; and then suppose we were to diminish the duty by one-half, and that we were still enabled to collect one million of revenue; is it not clear that the consumption must have increased to forty millions in value; and that though the amount of revenue paid was the same, still to the people the advantage would be considerable. I state this in passing, because I know that the fallacious doctrine of my hon. Friend has made some way in the country. Before I pass from the

Customs I wish to call the attention of the Committee to one or two other reductions. [Mr. *Goulburn:* You have not stated the increased consumption of tobacco.]

Tobacco.

1833	20,362,000*lbs.*
1834	20,990,000
1835	21,483,000

I calculate the consumption for the present year at 21,983,000lbs. Sir, when the state of our surplus was such as to permit it, we have tried the experiment of the reduction of taxation, and we know that it has been followed by an increase of consumption. I allude to the reductions made last Session by my right hon. Friend, the President of the Board of Trade; and the result, as far as I can at present judge, is such as must be most satisfactory to the Government and the country, and such as fully justifies the measure my right hon. Friend proposed. The reductions to which I allude were made in the duties levied on currants, raisins, olive oil, and palm oil. I know it was stated in 1834, that reductions of duty on these articles would not benefit the labouring classes, because they are luxuries; as if the importation of any article, whether a luxury or not, which was to be paid for in foreign countries, by the exchange of the produce of British labour, was not most advantageous to the working classes of this country. I am inclined to think, however, as long as England continues a nation, the consumption of foreign fruits will not be altogether a matter of indifference, either to the lower or the higher classes of this country. In 1832, the quantity of currants imported was 142,000 cwt.; in 1833, before the duty was reduced, it had fallen to 140,000 cwt.: in 1834, when the duty had been reduced, the consumption had increased to 163,000 cwt. It is perfectly certain this trade will greatly advance; and I do not despair that my right hon. Friend may show me, before another year, an increased revenue arising from a diminished rate of duty. The case is much the same with regard to the other articles I have just mentioned. Before quitting the subject of the Customs I think it right to state that there is one element which enters into the Customs'-duties, which renders any comparison of the gross receipts of one year with the receipts of another extremely difficult—I mean the introduction of the Corn-duties. But if it be found that there was an increasing revenue from the Customs during a period, when from the operation of the Corn-laws the Corn-duties produced little or nothing in consequence of the low price of corn in this country, then I think that a comparison with former years must be exceedingly gratifying as affording a striking evidence of the general prosperity of our trade. In 1827, the amount received from the Corn-duties was 786,000*l.*, and in 1829, 898,000*l*, In 1833, it was 35,000*l.*; and in 1834. 97,000*l.* I shall next advert to the second great branch of the revenue—the Excise, and the state of that department may be held to exhibit more justly than the Customs, the condition of the country and of the population generally. The revenue received under the different heads of auctions, bricks, glass, licenses, soap, malt, &c., during the last year was 7,742,000*l.* I estimate the produce for the next year at 7,750,000*l.* The amount of the Malt-duty last year was, 4,903,000*l.*, and I take the same amount as the probable revenue for the next year. Spirits also is an important article, and one with respect to which, as far as Ireland is concerned, my noble Friend (Lord Althorp) tried a considerable experiment. I shall acquaint the House with the result of that experiment. In 1834, the duty on such spirits amounted to 1,515,000*l.* An estimate of the loss to be expected from the reduction of duty by 1*s.* per gallon had been made by the department, and it amounted to 100,000*l.*; consequently, according to that calculation, the produce of next year would be 1,415,000*l.* I must, however, state to the House why I am now persuaded that no such loss will be sustained. A reduction of duty from 3*s.* 4*d.* to 2*s.* 4*d.* per gallon on Irish spirits took place on the 1st of September, 1834. I am, therefore, enabled to compare the period from the 1st of September, 1833, to the 5th of July, 1834, before the reduction of the duty, with the period commencing on the 1st of September, 1834, and ending on the 5th of July, 1835, after the reduction of the duty. The number of gallons brought to charge in the first period was, 7,343,708, and in the second period, 10,280,000. Calculating the consumption from July to the close of the twelve months, to be only one sixth of the last stated amount, namely, 1,713,00 gallons, it would seem that the revenue would receive from the duty of 2*s*. 4*d*., 40,000*l*. a-year more than it did from the higher rate of 3*s*. 4*d*. My noble Friend, when he proposed the reduction of the duty on spirits consumed in Ireland, calculated that the amount brought to charge would rise from 8,000,000 gallons to 10,000,000 gallons. In fact it has risen from 7,000,000 gallons to 10,000,000 gallons; and I estimate the amount for the next year at 11,903,000 gallons. Should that estimate turn out to be correct, the expectations of my noble Friend will be fully justified. I shall now call the attention of the House generally to the increase of consumption exhibited by the various articles subject to the Excise-duty, though I am well aware, that the term "articles of consumption" is not strictly applicable either to auctions or to bricks. Taking the average consumption of three years, ending on the 5th of April, 1834, and comparing that with the actual consumption of the last year, ending in April, 1835, it appears that an increase has taken place under the respective heads as follows:—

	Increase per cent.
Auctions	12
Bricks	11
Glass	14
Hops	21
Licenses	4
Malt	3
Paper, 1st and 2nd class	7
.... Millboard	7
.... Stained	17
Soap	15
Spirits	7
Tea	18
Vinegar	13

In the whole of the Excise there is but one article in which a distinct improvement, marked by the amount of per centage, has not taken place. That article is soft soap, and I am inclined to attribute the reduction in its consumption to the substitution of cheaper oils in many cases in our manufactures. The diminution in the consumption of soft soap amounts to less than one per cent. Taking into consideration the increase which has taken place in so many articles of consumption, it is obviously impossible to come to any other conclusion than that the general condition of the people must be greatly improved, and must be continually improving. The other branches of taxation are both less in amount and less complicated in detail. With respect to the stamps and taxes now consolidated, there has been, I must observe, a considerable falling-off as compared with last year, in consequence mainly of the reduction of the House-tax. I may here mention, that in consequence of some new arrangements made in the course of last year by the officers of this department, which is as well managed as any in the country, and in consequence of new arrangements in the Exchequer to facilitate payments, a reduction in the expense of collecting the duties to the amount of 22,000*l*. has been effected. I may also state, that by the Bill which I intend to bring in for more than one purpose, facilities will be given to persons to enter into compositions for Assessed-taxes. With respect to the amount of those duties, I estimate them for the year at 6,928,800*l*. There has been some falling-off in the Stamp department, but chiefly in the Legacy-office; yet even here there is cause for congratulation. It is a remarkable fact, that in one single quarter there has been paid into the Legacy Department, in the Town Duties-office, duties rated upon property equal to no less a sum than 6,812,941*l*. This is an exhibition of such enormous wealth as few other countries in the world could boast of. No less than 6,812,941*l*. was the amount of the property on which Legacy-duty had been paid in one single quarter. The revenue of the Post-office I estimate at its amount last year. At the same time I trust that the revenue will soon be increased by the diminution of the cost of the Department itself; and that my right hon. Friend, the Master of the Mint, and his Colleagues will succeed in their endeavours to put that establishment on a proper footing. The new contract which has been made for the mail-coaches may serve to show the public the advantages which may be gained by perseverance.

For the purpose of exhibiting the means possessed by the country for meeting all its engagements, I must next call the attention of the House to the state of the public debt at the present moment as compared with its state at former periods. The House very wisely, in my opinion, determined, that it is no longer expedient to keep up an amount of taxation for the purpose of providing a Sinking-Fund. This opinion has been very generally adopted, and, unlike other opinions, it has not been disclaimed by those who once professed it. I know no subject, indeed, on which there is a greater consent of opinion on all sides. Undoubtedly there was one great authority opposed to the abandonment of the Sinking Fund, Lord Ashburton; but the question was, whether it be not better to leave the money in the hands of the people to promote the general well-being of the country, by increasing the amount of capital at their command and the amount of money in circulation, and thereby lowering the rate of interest, than to raise more money than was otherwise wanted, in order to apply it to the reduction of the debt? It is a great mistake to imagine that because there is no Sinking Fund therefore a reduction of the National Debt cannot take place. On the contrary, such reduction has been carried into effect to a much more considerable extent than Gentlemen who reasoned in favour of a Sinking Fund would be inclined to credit. The conversion of permanent into terminable annuities is in principle a Sinking Fund; the best and most legitimate Sinking Fund that can be acted upon. This principle has been acted on to a very considerable extent. The total amount of the interest of the debt, in 1816, was 32,457,000*l.* of which 1,894,000*l.* was in terminable annuities. In 1834, the total amount of the interest of the debt was 28,462,000*l*, of which the interest on the terminable annuities amounted to 4,280,770*l.*; so that in 1816 the terminable annuities bore a proportion to the whole debt as one to sixteen—while, in 1834, they bore a proportion as one to seven. To all who are anxious for the good of the country, this must be a most gratifying result. On looking at this operation, I can but wish we had during the war, and when the funds were low, contracted our debt in terminable annuities instead of a perpetual charge. Had that been done, the country by this time would have been relieved from a large portion of that debt which it has now to bear, and which is found to be so oppressive. But considerable progress has been made towards converting the debt into terminable annuities; and as long as the system goes on, it will gradually abolish the debt. This is one of the reasons which induced me, in contracting the West-Indian loan, to make a considerable portion of it terminable annuities.

I have now followed the course pursued by my noble Friend last year, and compared the income of the present year with that of previous years. I believe that I have stated frankly and unreservedly the real state of our finances, and I also believe that my statement is rather below than above the mark as to the income of the country. There is another point of some importance with respect to the credit of the country, which shows that the national resources are not only unimpaired, but are increasing. Before, however, proceeding to this, there is a circumstance connected with the debt to which I wish to advert, and in which there has been a diminution—that portion of the debt called the dead weight. It is obvious on the reduction of the great civil and military establishments, that there must be an increase of the dead weight to a certain point; but, after a period, there would be a rapid decrease in the amount. I should be extremely sorry to have any observations misinterpreted, but as it is obvious that many mistakes which would occasion great inconvenience might arise from an erroneous impression of what may be said on this subject, it is necessary that I should be extremely cautious. I can state with confidence, that the dead weight has diminished in amount, and that the House may fairly calculate on its progressive reduction. I, for one, protest against any censure being attached to any party in consequence of this charge; it is a debt justly due to our soldiers and sailors, and I am sure that no one in this House will ever complain of the expense. I hope, also, that mistakes will be guarded against out of the House. In the amount of this charge, I include the half-pay, superannuations, pensions, &c., to the officers of the army, navy, and ordnance, as well as the civil departments. I first take the army, navy, and ordnance, and I find the *maximum* amount of the dead weight for the last four years, in these departments was about 4,900,000*l.* In several previous years, it had been above that sum considerably.

1823	4,955,289*l.*
1827	4,971,910
1831	4,907,430
1832	4,811,327
1833	4,673,247

Showing a gradual diminution in the last three years. There can be no doubt that this charge is in progress of gradual reduction, and will finally be extinguished. I can prove this by reference to another statement.

Pensions paid on account of Army Pay-office.

Average of 4 years ending	1826,	1,485,776*l.*
	1830,	1,448,604
	1834,	1,328,857

This showed that there was a gradual reduction in this portion of the dead weight, and the same principle extended to all other parts of it. I am happy in being able to inform the House that I have arrived at the last branch of the subject, in comparison with which all other statements I have made are subordinate. I am well aware that objections may be made to the deductions drawn from statistical statements as illustrating the prosperity of the great interests of the country. At the same time, I must say, that the facts on which I rely cannot on any good grounds be objected to. In the first place, with respect to the commerce of the country. I will not go into minute calculations on this point, for the results to which I intend to call the attention of the House will be sufficient to demonstrate the increasing prosperity of England. The total value of all the exports from Great Britain in 1784, of course taking the official value, which is the best mode of estimating them, was about 15,000,000*l.* sterling. The average official value of the exports for the four years 1827, 1828, 1829, 1830, was 65,330,000*l.* Coming to the years 1831 to 1834, inclusive, I find, instead of giving 65,330,000*l.* for the amount, that the return of the average annual value of the exports of the produce of the manufactures of the United Kingdom, together with the foreign and colonial merchandise, is not less than 78,179,000*l.* showing an actual and positive increase in the last four years in the exports of the country of 12,849,000*l.* In point of fact, the increase in the exports during the last four years was only one-fifth less than the whole of the exports of the country in 1784. In that year, the exports were 15,000,000*l.* while the increase from 1830 to 1835 has been upwards of 12,000,000*l.* The official value of the imports, taking the average annual value for the four years ending 1830, was 45,035,784*l.* while for the four last years the amount was 47,403,998*l.* showing an increase, as compared with the four years ending 1830, of 2,368,214*l.* The very best mode probably of estimating the condition, and showing the improvement of the industrious classes, is by reference to the state of an institution which has often been alluded to on former occasions with this view—I mean that excellent modern institution the Savings' Banks. The return to which I allude is most important, and shews, I am happy to say, a sensible improvement in the condition of the industrious classes. It was made up to the 20th of November, 1834, and since that time nothing has occurred likely to produce any change. If it had shown the number of depositors in the Savings' Banks of the higher classes increased, while there was a diminution in the lower classes, I should at once have been led to the conclusion that there must be something in our social system which induced the former to deposit their money in these banks, while there was a pressure on the lower classes, which diminished their means of accumulation; but the result of the return I have alluded to, and which I hold in my hand proves directly the contrary. It is to this effect:—

Summary of Depositors, &c, in Savings' Banks in England, Wales, and Ireland, on Nov. 20. 1834.

Depositors.	Increase or Decrease since Nov. 1833.	Amount of Investments.
61,293 under £20 each ..	16,718 inc. ..	£1,849,161
145,827 —— 50 —— ..	11,859 inc. ..	4,467,885
60,297 —— 100 —— ..	3,882 inc. ..	4,129,245
20,109 —— 150 —— ..	803 inc. ..	2,413.829
10,422 —— 200 —— ..	870 inc. ..	1,764,909
3,215 above 200 —— ..	160 dec. ..	805,785
501,163	33,972 inc.	£15,430,814

Increase in the number of Depositors during the last year of 33,972, and in the sum deposited of £956,861.

Here we perceive an increase of 956,861*l.*, the greater portion of which it is clear belongs to the poorer classes, and that I am satisfied is one of the best indications which can be afforded of an improvement in the condition of those classes. There is an increase of seven per cent in the number of depositors, and five per cent in the amount of deposits. I well recollect the exertions of the hon. and learned Member for Bridport on this subject, and I am sure that the result must be as gratifying to him as it is to myself. The right hon. Gentleman went on to state, that this return was a complete answer to those who had charged him with making exaggerated statements as to the prosperity of the country. He admitted that it was almost as bad to make exaggerated statements on the one side as on the other. If, however, he were disposed to be guilty of any degree of exaggeration, it would rather be in looking at the cheerful side of a subject, and regarding with pleasure the prospect of improvement, instead of following the example of some hon. Members, who were evidently repining over the prospects of the country, and saying, notwithstanding appearances, all was hollow wretchedness, and deceit. The return he had just read to the House was one satisfactory proof of the well-being of certain classes; but he would refer to another proof in the local improvements that had been made in various parts of the country. He need not say a word as to the extent to which these might be a source of future welfare, but he wished to advert to the fact, that the Government had stepped in, for the purpose of aiding these local improvements, by means of loans advanced through the Exchequer Bill Loan Commissioners. This Board had made advances, for the purpose of local improvements, such as roads, rail-roads, docks, bridges, &c.; improvements in cities and towns, and also in counties, to the amount of 4,652,000*l*. This was the whole of the assistance given by the State, and it had not only been unattended with loss, but a positive profit had accrued on the Exchequer Bills so advanced. It was impossible that he should allude to this subject, without referring to the important services rendered to the country by those Gentlemen who had consented to act as Commissioners. The conduct pursued by them was a satisfactory proof of the public spirit which animated all the people of this country. Many of those Gentlemen were connected with the City of London, and they gave their important services, and took upon themselves the trouble and responsibility of performing the duties of their office, without any hope or expectation of emolument. Nothing could be more honourable to these Gentlemen, or more indicative of a high moral feeling on the part of the great body of the people, than the sacrifice for the public good, which those Gentlemen continually made. He might perhaps reasonably be supposed to have been guilty of some exaggeration in the view he had taken of the well-being of the country after the King's speech at the commencement of the Session, and the statements made since that time by certain parties in that House. According to what had been stated, one of the most important interests in the country was in anything but a state of prosperity. He admitted that there existed grounds for the statements which were then made of the distress of the agriculturists, but while he contended that the country generally was in a state of prosperity, he did not deny that distress was felt by some classes of the community. With respect to what the agricultural interest demanded, he would only observe, that if it were not in the power of the Government and the House to yield to them the relief which they required, it did not arise from indifference to their claims, or want of sympathy in their sufferings, but that this Government as well as the late Ministry was controlled by other duties. When they felt it to be their duty to resist the repeal of the great tax imposed on a portion of agricultural produce—he meant the Malt-tax, they did so on grounds which all practical Statesmen, both in and out of office agreed to be substantial and just. They were convinced that if this impost were removed, agriculture on the whole would not be relieved. He was, however, inclined to think that the measure now coming into operation for the better management of the poor, would give a real and substantial relief to agriculture. He indeed, was now prepared to speak with more confidence than he could at any former period have done, of the advantages that would result from the Act to which he alluded, to the agriculturists of England, and above all to that portion of the agricultural interest which now suffered the most. He felt no hesitation in saying that no reduction in general taxation that could be made would produce anything like that degree of relief to the agriculturists which they would derive from the reform of the Poor-laws. He found from information that he had obtained two months ago, that the improvement that had taken place was highly important, and this had been confirmed from inquiries he had since made, and he had been enabled to verify the statement, which he would, with the permission of the House, read:—

"1. Abingdon Union commenced 1st of January, 1835. The expenditure during the three months ending April, 1834, was 1,230*l*. and upwards; and during the three months ending April 1835, was 776*l*., showing a reduction of more than 35 per cent.

"2. Farringdon Union commenced the 7th

February, 1835. Ten weeks afterwards we find that 148 persons had had the offer of the workhouse, of whom only 15 accepted it, and out of these, 11 left it. Inquiries were made as to the remainder of the large number of 148, and it was ascertained positively that a very large proportion of them, three-fourths, had obtained employment.

"3. Newhaven Union commenced 7th February, 1835. This morning our Assistant Commissioner writes as follows:—'It gratifies me to be enabled to inform your Board, that the Guardians of the Newhaven Union, by representing to the employers of labourers in agriculture, the blind policy of contributing unprofitably towards the Poor-rates those sums which would be spent profitably as wages, have induced them to employ all the idle hands, and there is not at this moment one able-bodied man receiving relief from the Poor-rates throughout the Union.

"Bradford Union commenced the 28th March, 1835. The guardians began by a close examination of the list of 1,200 paupers, and detected a great many impositions. The Vice-Chairman of the Board considers that the present actual saving in consequence of this examination, and of adopting the system of partial relief in kind, is not less than 2,000*l.* per annum; and that a further saving to the same amount may be confidently expected.

"Alton Union commenced the 3rd April, 1835. The accompanying document (B) will show the saving in several parishes of that Union to be more than forty per cent; and the fact that wages have advanced in two of those parishes, in consequence of that saving, is uncommonly satisfactory.

"South Stoneham Union commenced the 27th March. Here I find that the weekly relief is reduced one-half. With regard to litigation, the Board have as yet no official information before them on the subject; but it is notorious that it is enormously reduced, so much so as to be a source of considerable inconvenience to barristers attending Sessions. I venture to say that I have no doubt of the poor expenditure being reduced nearly 50 per cent. in all those districts which come under our regulations comprehending, eventually, the whole of England and Wales. At the end of the period of five years and a session, for which our Commission is appointed, the expenditure of the poor, instead of being six millions per annum, and upwards, will only be three millions per annum, and upwards. It is more difficult to give an opinion respecting the rate at which this reduction will take place, but I shall be much disappointed if the year ending March, 1838, does not show a diminution of 1,500,000*l.*, as compared with the year ending March, 1834."

It appeared, then, that the market for labour, when left to itself, absorbed nearly the whole of the persons who were formerly supported by the parish. He would ask his hon. Friend opposite, who had manifested great anxiety on this subject, whether the benefit which had already arisen from the union of parishes had not been nearly equal in these districts to any that could result from the reduction of taxation? It appeared, also, from the last statement he had read, that the new system of Poor-laws was likely, within a short period, to benefit the agricultural interest to the extent of 1,500,000*l.* a year. He had no doubt, if this Act continued to be judiciously administered under the superintendence of the Commissioners, that it would not be long before the Poor-rates would be reduced to one-half their present amount. He was not so much gratified that those who paid the Poor-rates would receive benefit, as on another account; his great source of gratification arose from a belief that the new system of Poor-laws was infinitely more beneficial than the old system, to those who received the Poor-rates. If the money were left in the pocket of one class, a consequence of infinitely more importance followed, namely—the creation in the mind of the other, of the independent feeling of relying on their own exertions for the means of support. He must contend, therefore, that the people relieved by the Poor-laws, would be mainly benefited by the new Poor-law Act; while those who contributed to the rates would be much relieved. There was only one test more to which he would refer, to show the improvement that had taken place in the condition of the people. He had referred to the Savings'-Banks and Poor-rates; but there was another test which applied more particularly to the trading classes—he meant the number of bankruptcies and insolvencies, in which as appeared from the Return that he held in his hand, that there had been a gradual diminution during the last three years:—

The number of persons declared bankrupts in the London Gazette was for the years following, viz.

1830 - - -	1,549
1831 - - - -	1,543
1832 - - -	1,396
1833 - - - -	1,044
1834 - - -	1,099
1835, to 1st August -	674

The number of persons who declared themselves insolvent, was for the like period, viz.

1830	157
1831	199
1832	164
1833	124
1834	155
1835, to 1st August	86

Number of persons discharged as insolvent debtors.

1832	4,644
1833	4,583
1834	4,275

There were other tests beside those to which he had alluded which might be referred to which would prove the general well-being of the country, but he thought these from their great importance were almost sufficient. He would not trouble the House with more than one other proof of the prosperity of the great manufacturing interests, namely—a reference to the Reports of the gentlemen who had been appointed superintendants under the Factory Bill. He did not intend to refer merely to opinions stated in these Reports, but to facts and figures. Gentlemen might differ as to a mere expression of opinion, but when figures were stated to show results, there could be but little difference. From these Reports it appeared that there had been a great increase in all the leading branches of manufacture, and more especially in the north of Ireland. A great increase had taken place in the woollen manufacture of the west of England, which had to compete with the manufacture of Yorkshire, and had other difficulties to contend with to prevent its advance. It appeared that in the three counties of Gloucester, Wilts, and Somerset, during the last year, a considerable increase had taken place in the number of the men employed. In Gloucester the increase was 7 per cent., in Wilts 25 per cent., and in Somerset 20 per cent. Taking the average, therefore, the increase was above seventeen per cent. Many new mills had been erected, and are now in full work; andothers were in progress. Mr. Horner, the intelligent superintendant of factories in the north of Ireland, stated that a great improvement had taken place in the manufactures in his district, and he observed, that such was the advance in flax machinery, that he had no doubt in the course of a short time, mill-spun yarn would be imported into Flanders from the north of Ireland.

In approaching the end of his task, it was hardly necessary for him to observe, that hon. Gentlemen must be convinced, from the statement he had made as to the amount of the revenue of the country, that he could not be expected to make any great reduction in taxation. However anxious he might be to obtain their good opinion by the reduction of taxes, he was sure that he would not be expected to do so by proposing such a reduction as was inconsistent with the maintenance of public credit. But, without endangering public credit, there were two or three items of taxation which might be reduced. Hon. Gentlemen must be aware, that in the early part of the Session, several petitions were presented to the House on the subject of spirit licences; and his hon. Friend, the Member for Exeter, had given a notice on the subject, but had withdrawn it on his having promised to take the subject into his consideration. Great complaints were made, and he thought with some justice, of the inequality of the tax now imposed on licences for the sale of spirits. He thought that this was a very fair tax, and was introduced on satisfactory principles by his noble Friend, who was then Chancellor of the Exchequer. His noble Friend stated, that he wished to put the highest duty on spirits, that was not so great as to hold out an inducement to smuggling: if, therefore, he could not increase the duty on spirits, he was determined to increase the tax on their sale. In this view of the subject, he was supported by the whole House; and his proposition was carried without any division of opinion. From the principles of that proposition he did not intend to depart; but he was anxious to remedy some injustice that appeared in the present system. The Committee should clearly understand that he proposed to deal only with the increased duty on licences established by Lord Althorp, which amounted to fifty per cent. This increased duty operated very oppressively upon those publicans whose consumption of spirits was very small compared with their consumption of malt liquor. It was for the benefit of that class, and that only, that he was about to propose an alteration in the duty. He could not concede to hon. Members that the keepers of great inns ought to participate in the relief about to be afforded to their less opulent brethren. His proposition was, that persons might take out a licence which would authorise them to sell not more than fifty gallons of spirit, and for that licence they would pay a reduced duty. The loss which the revenue would sustain from this alteration he calculated at 40,000*l.* This was exactly the proposition which he would have urged upon the right hon. Baronet, the Member for Tamworth, if he had continued in office. It was unnecessary, however, for him then to enter into particulars, as he should have another opportunity of doing so. The next point to which he wished to call the attention of the House, was connected with a manufactured article of great importance, and which was capable of great increase and extension; and he had no doubt that a reduction of the duty would greatly extend to the home as well as the foreign trade in that article. The article alluded to was the manufacture of flint glass. Gentlemen who had considered the subject of this manufacture must be aware of the motives which induced him to propose a reduction of the duty on that article; namely, that the great amount of duty not only checked the progress of the manufacture, but operated as a positive encouragement to the illicit manufacturer of the article. The duty now paid on flint glass was sixpence a-pound, and a drawback was allowed on exportation of sevenpence a pound. He believed that a great portion of the glass sent out of this country paid no kind of duty. Here was a trade to which the peculiarities of the country were particularly well adapted, and yet the profits and advantages which the fair trader should enjoy were carried away by the smuggler. He was satisfied that the present state of the law prevented that consumption of the article which would otherwise take place; and at the same time was very injurious to the fair manufacturer. He thought the charge of sixpence a-pound on flint glass was most objectionable. The tax also operated injuriously by preventing the employment of workmen, because it applied more to the cutting of glass than any other branch of the manufacture, and manufacturers did not like to run the risk of losing their capital. He believed that the duty prevented many beautiful articles from being manufactured and exported. In this case he thought he might make a reduction of the duty without any loss being ultimately sustained by the revenue thereby, though there would be a loss during the next year. He meant to propose the reduction of the duty on flint glass, whether exported or not; and although it would lead to some loss in the revenue next year, still, as he had just observed, he did not think there would be any ultimate reduction. He proposed to reduce the duty on flint glass from sixpence to twopence a-pound. This would be sufficient to put down the illicit manufacture, but would enable the fair manufacturer to extend his trade. He had no doubt that an increased consumption of the article at home, as well as an increase in the quantity exported, would result from the course he proposed. The drawback would be in the same proportion as it was at present, as nearly as possible, allowing for the fraction. The present duty was sixpence a-pound, and the drawback was sevenpence. The amount of duty last year was 233,317*l.*, and the drawback was 85,229*l.* The nett balance, therefore, was 148,088*l.* If the duty was reduced, and there was a small increase of consumption, the duty would be nearly 100,000*l.* He had no kind of doubt that there would be a great increase of consumption. There might be a loss of 60,000*l.* or 70,000*l.* in the next year; but this would be made up in future years.

The next article he came to was a stamp duty, which interfered with the administration of justice in Ireland. It was a stamp duty now chargeable on awards, and operated to prevent the lower orders resorting to this mode of terminating their disputes, which, to say the least of it, was extremely objectionable, as it induced the parties to resort to acts of violence. The loss on this point, at the utmost, would not exceed 500*l.* a-year. Perhaps this reduction might hereafter be extended to England; but the necessity of the case was much stronger in Ireland than it could be in England. The importance of getting rid of it appeared from his local knowledge peculiarly great. He had but a very few words more to say. In keeping up the present amount of revenue, it was not from any disinclination to reduction, or from any falling back in the great work of economy. He trusted that pursuing the course that had hitherto been acted upon by his colleagues, they would be able to go further in the reduction of taxation. He had shewn how much had been done, by comparing the expenditure year after year. In one particular they had gone beyond the expectations of his hon. Friend, the Member for Middlesex, and on a point with reference to which his hon. Friend had made many complaints. Since the year 1820, there had been a reduction in the expense of collecting the revenue to the amount of 620,362*l.* This was a larger reduction than his hon. Friend contemplated as possible when he first brought the subject under the notice of the House. He did not say, that the reduction on this point might not be carried further, or that it ought not to be carried further; but still he contended, that credit was due for the extent to which reduction had been carried in this particular. His hon. Friend, in his speech in 1817, stated his opinion as to the possible amount to which reduction could be carried in the expense of collecting the revenue; but from the statement which he had just made to the Committee, it would appear that reduction on this point had been carried beyond his hon. Friend's estimate. He was sure his hon. Friend would give him credit for anxiety to carry the reduction still further. He wished to advert to one other point—he meant to some facts that had appeared before the Committee on sinecures. In this branch of expenditure, to which there were so many objections, the time was not distant when there would be left not even a shadow of a sinecure office in Great Britain. He was happy to be able to state to the House that great improvement had taken place with reference to those sinecure offices which had been left unprovided for by abolition in 1810. The amount required for such sinecure offices, in 1810, was 191,000*l.* a-year, while in 1834, the amount of the sinecure offices similarly unprovided for was not more than 17,000*l.* a-year. With respect to the pensions chargeable on the consolidated fund, a reduction had been made to the amount of 16,000*l.* since his noble Friend, Lord Spencer, proposed the arrangement respecting the Civil List. The amount chargeable for those pensions in November, 1833, was 80,262*l.*; the present charge was 64,347*l.* shewing an actual saving of 15,915*l.* He had now done; and he could not help thanking the Committee for the attention they had shewn to him. He hoped that they would be indulgent for any deficiencies that might appear in the statement he had just made. The state of the country could not prove otherwise than highly satisfactory to the Committee. He felt convinced that many of the facts that he had stated must inspire them with the most perfect assurance that the general resources of the country, so far from being diminished, were steadily improving, so as to show that we might set at defiance any foreign aggression; and that, notwithstanding our debt, we were in a state to maintain the national honour, and to uphold the high character of this nation. The loan which had just been effected, he would appeal to as an unanswerable proof that the credit of England now stood higher than it ever did before. If they compared the rate at which it was raised with the rate at which money was borrowed by foreign countries, it would show how much higher the character of this country was than that of any other nation. The right hon. Gentleman concluded by thanking the House for the patience with which they had listened to a statement which he feared, consisting as it did, wholly of financial calcuations, or dry statistical details, had been tedious and uninteresting.

Mr. *Goulburn* had heard the statement of the right hon. Gentleman with the closest attention, and was happy to admit that the result was quite satisfactory. For his own part he had never for a moment entertained a doubt concerning the resources of the country, but, on the contrary, on every occasion that he had the honour to address the House on that subject he always spoke in the highest tone as to the exertions which she could make. With regard to the surplus which the right hon. Gentleman opposite retained, he would not enter into the question whether or not it were wise to depart from the usual system hitherto adopted by men of admitted talent. The right hon. Gentleman had certainly not put out of view the necessity of retaining some surplus, but it was less than what he should have considered advisable to retain. With regard to the allusion which the hon. Gentleman had made as to loans contracted by former Governments as contrasted with the late loan, and his apparent blame of those Administrations for not contracting their loans on terminable annuities. It should be remembered that those loans were contracted in periods of difficulty, and during a heavy and protracted war. Indeed, in another part of his speech the rt. hon. Gentleman had furnished the best answer when he described the difficulty of contracting the late loan in the present period of peace and prosperity, when affairs looked so promising and capital was redundant. If such difficulty attended the raising of a loan of fifteen millions on terminable annuities under such favourable circumstances, must it not have been tenfold greater during a period of war, and when the country was placed under such different circumstances? With regard to the proposed reductions of his right hon. Friend, he looked upon them rather in the light of trade regulations than reductions of taxation, and indeed believing it impossible at present to reduce the revenues with a due regard to public faith he was ready to share with his right hon. Friend any unpopularity which a refusal to reduce taxes might subject him to. After the statement of the right hon. Gentleman no doubt could remain as to the increased prosperity of the country, and the only question which could arise was as to its extent. This general improvement of the country must, as a matter of course, extend in some degree to the agricultural interest. But when any direct advantage, or any diminution of the burdens, could be afforded for any particular class, he hoped the House would agree with him in thinking that the agricultural interest should be the object of that relief.

Mr. *Hawkes* could not but congratulate the country upon the prosperous state in which it had been described to be by the right hon. Gentleman. With one portion of that statement he felt particularly pleased. It was the promised remission in the glass duties. The glass trade was one that had been particularly injured by smuggling; and while a profitable branch of trade had been destroyed—the morals of the people had been deteriorated. The consequence of the high duty had been that other countries were now rivalling England in the manufacture of glass. He was certain that for the amount of glass upon which 120,000*l.* duty had been paid, a quantity had been made upon which the duty evaded was equal to 250,000*l.* This species of trade had been carried on by the illicit manufacturer, and it was impossible for the excise officers to detect it. At one period this country enjoyed the whole of the foreign trade; while now foreigners were rivalling us in their own Colonies. The evil effects of the high duties were not only felt in this country, but in Ireland—in that country there had been ten manufacturers at one time in a prosperous state—it was now reduced to one manufactory, and it was very doubtful whether that should continue in existence. From the change proposed, however, he had no hesitation in saying that this branch of the manufacture would stand as high as it did upon former occasions.

Colonel *Sibthorp* could not congratulate the Chancellor of the Exchequer upon an increase in the revenue arising from the consumption of spirits. He thought that the statement of the right hon. Gentleman would prove unsatisfactory, particularly to the agricultural interest. The right hon. Gentleman ought to relieve that class which was most suffering from distress, regardless of the claims of others. He believed, however, that if an Angel came down from Heaven, and sat in the place of the Chancellor of the Exchequer, he would not be able to please all parties.

Mr. *Charles Buller* could not join in the congratulations that had been offered to the Chancellor of the Exchequer upon his budget, nor did he think that the country would in any way join in them. It would not be found that the country would be satisfied with that statement, in which no reason was given why their demands were not satisfied. It certainly would not satisfy the agricultural interests, nor was it very easy to satisfy them. It certainly would not satisfy that large portion of the community, which had called for a reduction of the tax upon newspapers; they had been led to expect from the Government that they would consult the feelings of the lower orders of the people, by the reduction of the tax upon newspapers — [*A laugh*]. He expected that laugh, because it showed what were the benefits to be derived from the reduction of such a tax, he expected that laugh, because it came from those who were interested in resisting the education of the people. Those who were opposed to the diffusion of political knowledge had some reason for their satisfaction. The people, however, would view with extreme dissatisfaction the statement of the right hon. the Chancellor of the Exchequer, because they would find by it that their demands were treated with utter contempt. He repeated with "utter contempt," because the right hon. Gentleman had not condescended to give any reason why he could not qualify the expectations that had been raised, but thought to put them off with trumpery reductions upon glass, and gin shops, and awards in Ireland. He thought that these taxes ought to be reduced, and that the Chancellor of the Exchequer was quite right in reducing them, but then such an important subject as this ought not to have been entirely omitted. There was nothing he considered more wonderful than that a reformed Ministry should give to the people political power, and yet were doing everything they could to deprive them of political knowledge. He should imagine that the working of the monopoly press should have disposed Ministers to act otherwise. It was important for them to have public opinion to aid them, and they should certainly have taken means to have themselves supported by a free Press. The fear of temporary attacks from powerful and interested individuals should not have prevented Ministers, which would be the wiser course, from sweeping away the monopoly, and throwing the Press open to fair competition. For another year Ministers had thrown themselves into the hands of the monopolists, who might treat them, as they had treated them hitherto. He hoped in God! that a certain party would not take advantage of the feeling of the country in this respect, and that they might not have to deplore the consequences of the course they had taken.

Mr. *Divett* said, that the Chancellor of the Exchequer had a very small sum to deal with, and therefore it was hardly fair to expect any considerable reduction of taxation from him. He was very glad the right hon. Gentleman had paid attention to the subject of spirit licences, and had consented partially to reduce the burdens which so onerously, and, he thought, unfairly, pressed upon them. With respect to newspaper stamps, to which the hon. and learned Member who last spoke had alluded, he agreed in a great measure with the views of that hon. and learned Member, and he believed that if the Chancellor of the Exchequer had tried the experiment of reducing the stamps, say a penny below what they were at present, he would not have found any inconvenience from it.

Sir *Charles Broke Vere* was sorry to cast any gloom over the happy pictures of commercial prosperity which the right hon. the Chancellor of the Exchequer had presented to the House; but really there was one class of people whose condition had long formed an exception to the generally prosperous state of the country; namely, the agricultural inteerest. The occupiers of land had suffered for years and were still suffering grievously, particularly under the operation of local taxation, which pressed with peculiar severity on them. He hoped the Government would take this subject into their consideration, and devise some means of mitigating the severity of their local burthens.

Sir *Thomas Fremantle* had great pleasure in complimenting the right hon. the Chancellor of the Exchequer upon the very clear, elaborate and satisfactory manner in which he had explained his financial views to the House. He had listened with great attention to the address of the right hon. Gentleman, and he must confess that he had also listened with the greatest satisfaction. At the same time, however, he must say, that he did not think the revenue was precisely in that buoyant condition which the Chancellor of the Exchequer had contemplated. When Lord Althorp effected the reduction of the house duties, and those upon spirits and other matters, the noble Lord calculated the consequent deficiency for the current year at 736,000*l.*; upon going through the present Chancellor of the Exchequer's statement, however, it appeared that the actual deficiency was 751,000*l.* In making this calculation he gave the right hon. Gentleman credit for a full twelvemonth's loss from the repealed duties upon houses, spirits, &c. whereas, in reality, he ought only to have calculated the loss of three quarters in the present year. He was afraid, therefore, that in subsequent years the actual loss would be yet more considerable. Under these circumstances he thought the right hon. Gentleman was quite right in not attempting any great financial reductions at present. This timely prudence on the part of the Chancellor of the Exchequer gave promise that whenever he might have it in his power to reduce taxation he would do it wisely and effectually.

Mr. *Hume* was anxious to say a few words upon the remarks made by the hon. Baronet, because he considered the observations opposed to sound measures, and contrary to the doctrine every Chancellor of the Exchequer ought to adopt. According to the argument of the hon. Baronet, the object of Government should be to keep up a large expense occasioned by the collection of revenue, and diminish taxation upon a small or what was termed a moderate scale. This, in his opinion, was deceiving the public. He would rather have a tax of 300,000*l.* per annum abolished, than 1,200,000*l.* taken off whilst all the machinery for the collection of a part of the tax was left. The Excise was most oppressive, because every man should be at liberty to use his capital according to his interest. The Excise entered into almost every branch of industry, so that no man could avoid the inquisitorial power of the

Excise-officers. On that ground alone he could not approve of the Chancellor of the Exchequer suffering the regulation of Excise collections to continue. He was not an advocate for half-measures. If a tax was wholly taken off an article there would be a prospect of increase in the consumption of that article; but if they took off part of a tax, leaving the machinery for the collection, little was gained. On that ground he was opposed to the doctrine of the hon. Baronet. He was also adverse to the argument urged by another hon. Baronet who spoke of the agriculturists. That class, in his opinion, made complaints unjustly. If they continued to vote for keeping a standing army, the expense of yeomanry corps, and colonial expense, as well as the navy expense, and collecting the revenue, they deserved the situation in which they stood. All he regretted was that himself and many others should be dragged into the consequences of their misconduct. But the agriculturists had no real ground of complaint, they had been relieved from every tax they could be relieved from,—they had at that moment all the reduction the law could give them,—they had a monopoly in corn, not to any great amount he would admit, but it was a monopoly, and by preserving it, they had ruined themselves. Two or three years had rolled on since he endeavoured to press that upon them, but they did not regard what he said, and their affairs had become gradually worse. Their determination to maintain that monopoly was the cause of all their complaints. The experiment of giving agriculturists high prices was the most monstrous monopoly ever heard of. He should say, on the part of the public at large, that the country gentlement were ruining themselves. An hon. Member, not then in the House, made an assertion in a former debate, that government had given relief to all but the agriculturists. There never was an assertion for which there was less foundation. The Government had given them all the relief they had a right to expect. He advised his right hon. Friend, who it appeared could not give satisfaction to the agriculturists, to turn round and give some of the relief, which the agriculturists did not value to other interests. With regard to the statement of his right hon. Friend, he would say that a clearer statement could not be made. The details which he followed as close as he could, he was bound to state, would be, in his opinion, realized in every degree, but, at the same time, he could not avoid saying he should have preferred a greater reduction of the spirit duties; the consumption would have increased, and smuggling have been prevented. The consumption of tobacco had increased in proportion to the reduction which had taken place in the duty during the last forty years. If the Chancellor of the Exchequer had reduced the duty lower, the loss of the duty would have been more than repaid by the increased consumption. He should also say that the same reasoning would apply to the reduction of duties on all leading exciseable articles. All he wanted was, a reduction of taxation, and the consumption of articles would make up more than the deficiency occasioned by giving up some duties. Alluding to the collection of revenue, he might direct the attention of his right hon. Friend to a motion which he made on the 27th of June, 1831, when he stated that the amount of the sum paid for collection of the revenue was monstrous. That sum amounted to three and a half millions, and he pointed out, that the more it was reduced the more the public would gain. He stated this to prove he was not so bad a prophet as many had described him to be In the year he alluded to he proposed to reduce the expense of the Excise 488,700*l.*, and the reduction which had since taken place upon his suggestion had reduced the expense to 3,355,000*l.* If the reduction had taken place upon a proper scale the revenue would have been increased much more. He should contend that the Chancellor of the Exchequer had an ample field for the reduction of taxation. He should say much might be reduced, but unfortunately the Tories opposed all relief of taxation. He wished they had all the taxes to pay. He would not allow that they had gone to the utmost extent of reduction of taxation. The reduction on the incomes of country gentlemen had not been more than the reduction in the value of money. If the Reformed Parliament carried on reforms quietly he had no hesitation in saying the prosperity of trade and commerce would increase. He did think his Majesty's Government should on every occasion make a reduction in the Excise taxes. He would turn out the Excise officers in every instance, and thereby relieve the country to a much greater extent. The Chancellor of the Exchequer had improperly stated that the determinable annuities and temporary loans would relieve the country. No Chancellor of the Exchequer could consider any loan temporary at this time. The best way of relieving the country was to reduce taxation. He was obliged to object to a budget in which there was no positive relief to the country. He expected a reduction in the expense occasioned by enormous establishments. He was sure the amount of taxation might be reduced, so as to press much lighter on the people. A relief might be afforded by a change of taxation. The landed interest during the last four years had paid much less in taxation than other classes, and his Majesty's Government should endeavour to equalize taxation. The hardships and pressure of the legacy duty, for example were enormous and it was a scandal to the House to suffer that tax to exist. It would have been better if the Chancellor of the Exchequer had decreased taxation to a greater extent. He did not object to the relief to the licensed victuallers, but his right hon. Friend might have gone a little further. He thought that meritorious class of traders had suffered much more by taxation, in proportion to the general taxes, than other classes. It did appear hard that the licensed victuallers should pay to the revenue more than their fair proportion of the public burthens. He wished to impress on his right hon. Friend the propriety of taking off the whole duty on glass. There was only one more point which he considered a subject of complaint. His right hon. Friend had taken no notice of the thousands and tens of thousands who had prayed to be released from what he should call the shackles on knowledge. Those laws which imposed taxes on the press were the heritage of old times, concocted by bad men. The Chancellor of the Exchequer had been cheered by the Tories, but his right hon. Friend ought to look with jealousy on those cheers. When they cheered he might rely upon being wrong, and in all such cases he advised him to reverse his measures. His right hon. Friend should say whether he could or would not remove a tax which pressed heavily on the people. If the right hon. Gentleman would not remove the tax on the newspapers, would he take it off the small publications? Why should his right hon. Friend stand in the way of public instruction? Why give money to enable the people to read and at the same time insist upon a tax to prevent them from reading? On the whole, no budget would be satisfactory which did not give relief on that point. His right hon. Friend might change the tax:—take it off newspapers, and lay it on some other article—was it the object of the Government to keep the people in ignorance, and perpetuate the Act of Lord Castlereagh? He did hope the right hon. Gentleman would not continue the tax sanctioned by the 6th of George 3rd, but comply with the wishes of the people by removing an impost which was obnoxious in every point of view.

Mr. *Handley* said, that he did not blame the right hon. Gentleman the Chancellor of the Exchequer for not having extended a large share of relief to the agricultural interest, for on the two questions which immediately affected that interest the House had decided against it—he alluded to the Motions which had been made for a relaxation of the currency, and the Repeal of the Malt-tax. It had been said, that a day of reckoning would come, when the agricultural interest would be obliged to relinquish what was alleged to be an unjust advantage. If that day should ever arrive, it was the public creditor, and not the agriculturist, who would suffer most. If the hon. Member for Middlesex thought to gain popularity by raising what he had thought to be the exploded cry of "cheap bread," he would only remind him that cheap corn had not at present (as far at least as the metropolis was concerned) the effect of producing cheap bread. The miller and the baker paid to the farmer only the sum of 27*s.* a quarter, on which they made a profit of 22*s.* He felt bound to acknowledge that the Chancellor of the Exchequer had made a most judicious selection in applying the small amount of surplus to relief from taxation. Though he could not but say that the smallest amount of relief had been afforded the agricultural interest, still he took what the right hon. Gentleman had done towards lessening their burthens as an earnest that he would seriously turn his attention to the financial operations of the country, with the view of introducing a measure which would afford somewhat more satisfaction to the agriculturists than the empty expression of sympathy in the King's Speech.

Colonel *Rushbrooke* was exceedingly pleased to hear that the reduction of the duty on spirits in Ireland had completely answered the expectations of those by whom it had been made. The hon. Gentleman was anxious that some reduction should be made in Scotland, which would have the effect of preventing the smuggling which was now carried on in that country.

Mr. *Blamire* observed, that there was one point which he was exceedingly desirous to impress on the Chancellor of the Exchequer. It would grant relief to one class of agriculturists, if some alteration were made in the regulations of the Excise with respect to malt, by the continuance of which an unfair advantage was allowed to those who grew barley on rich soils, to the prejudice of those by whom an inferior description only of barley could be cultivated. This alteration might be made with perfect safety to the revenue by a Treasury minute.

Mr. *Ormsby Gore* protested against the opinion that the agricultural interest enjoyed any exclusive advantages. That interest was not so much pressed against by direct taxation as by the amount which they were compelled to contribute for the support of other classes of the community. For instance, the agriculturists had to bear the largest share of the burthen of the Poor-laws, whilst the manufacturing population contributed the largest proportion of the applicants for relief. For the reduction which had been made to benefit the agricultural interest, he thanked the right hon. Gentleman, the Chancellor of the Exchequer, though it must be considered so exceedingly slight; to a class of persons, too, who had borne their distress with the greatest forbearance, and by whom no political unions or overwhelming assemblies were ever resorted to as a means of procuring relief. It could, however, scarcely be considered sufficient as an encouragement to their loyalty.

Major *Beauclerk* admitted the amount of relief afforded by the right hon. Gentleman was satisfactory to the House, but would not answer the expectations of the country. The amount of relief which had been proposed was certainly all that could be fairly demanded or expected by those who called for the reduction of taxation, and were yet unwilling to reduce the establishments of the country. He was satisfied, that happiness or tranquility would never be restored until the large establishments of the country were reduced, and our expenditure diminished to a standard commensurate with reason and common sense. He regretted exceedingly that no efforts were made to reduce the taxes on knowledge. He could state, from what he had himself lately witnessed in the South of England, that the people were most anxious to receive information; a fact which was clearly proved by the spread of cheap publications, many of which were of a most injurious tendency. They were at all events greatly inferior to those which might be afforded by men of ability and honesty. But no reduction in taxation could be made until our establishments were brought to a more economical scale. It was in vain to look for relief while the standing army was kept in its present state; whilst a vote of 600,000*l.* was come to last night for what he considered a useless purpose, and whilst the night before a sum of 40,000*l.* was voted for the Rideau Canal, in Canada. The Colonies ought to be allowed to manage their own affairs. In Malta, he knew himself that situations of 2,000*l.* a-year, were given to broken down gamblers whilst the inhabitants of the country were excluded from all due management in their local affairs. With respect to the Poor-law Bill, he had heard from a clergyman in Sussex, that it would throw that part of the country into confusion. It had been carried too far. It must be amended, or it would amend itself.

Mr. *Robinson* had asked the Chancellor of the Exchequer whether the exports which he had spoken of were taken from the account of official or declared value. He had been answered the former. Now the official value merely went to show the increased quantity of exports which had been made from this country, without proving that any corresponding increase in imports had taken place. With respect to the legacy and probate duties, the smallest amount of personal property was taxed, whilst the largest amount of real property passed to the inheritor without being subjected to the payment of a shilling. He thought, that instead of the reduction of 22,000*l.* in the collection of taxation, the Chancellor of the Exchequer might by judicious arrangement, and on the principles laid down in a work of the hon. Member for Dundee, effect a diminution of 1,000,000*l.* He was willing to admit, that the right hon. Gentleman had, with his limited surplus, made a most judicious selection of taxes to be reduced, and had supplied strong ground for believing, that next year he would deal out an equal measure of relief to all parties. He would be influenced by no desire of obtaining a fleeting popularity, but would look only to the matured good opinion of all classes as a compensation for the performance of the labouring duties of his office.

Mr. *Roebuck* said, that while the Government kept up the present expensive establishment, and refused to cut down expenses, it was impossible to expect relief for the people. There was an interest in the country which overwhelmed all other interests: gentlemen called themselves the representatives of the "landed interest," i. e. in other words, they represented themselves—their own interest in their own pockets—and they were complaining that the Government would not put into their pockets the money that belonged to others. What did they want? They said, "You must do something for us—because we have continued so long in peace." Was there anything so monstrous in the world! They complained of peace! The landed interests had prospered during the war, the gentlemen of landed property lived high; and made provision for their younger sons—the peace came; and with that came low prices; and he liked low prices they were beneficial to the country, he hated high prices. But then the landed gentlemen could not provide for their younger children—they would never cut down their expenses—they always lived above their income — and now they came and complained that their interests were not taken care of—why the whole community were taxed for their "interest," they had the benefit, (he wished them joy of it) of the monopoly in corn—and while this House was nothing but their organ and representative? they wanted it to tax the community further for the benefit of the landed interest. What in God's name was this "landed interest?" Why, let the House remember, that the "landed interest" did not mean the farmer—it did not mean the agricultural labourers—why it was acknowledged that they were better off than ever. Corn was lower in Liverpool than in New York, it meant the landlords only, that ought to gratify every man; but they made them believe their interest was diminishing: why was that? It was because of the Corn-laws. They could not maintain an interest of that description against the feeling of the people of England. If to-morrow they were to have high prices—if corn was to be scarce—they would find that the people of England would no longer stand their Corn-laws. So let them prepare their incomes for reduction, or prepare their whole proceeding, for the coming storm. The moment that the Corn-laws produced hgh prices—away would go the Corn-laws, and if they did not take them away—away would they go also. Let it be remembered, that the landlords had got almost the only thing which the Chancellor of the Exchequer had bestowed. Half the county-rates were this year to be paid by the country at large; but that was nothing to them, they wished to raise up rents and prices to that point at which they were during the war—the "glorious" days of the war. But to that point, he (Mr. Roebuck) hoped they never would come, for he did not like to see one portion flourishing, at the expense and to the detriment, of the rest of the community. The landlords had long had the lion's share, but the time was coming when they should have it no longer. Now the right hon. the Chancellor of the Exchequer had said nothing of that which was nearest and dearest to the great mass of the people. viz., the tax upon knowledge. As the right hon. Gentleman had found his knowledge perhaps very easily, he thought the people could get theirs with as little difficulty, and the right hon. Gentleman would not attempt by all the means in his power, to grant them that which they had so long, so ardently, so warmly, entreated that House to give them. That which the Government ought, of all things, to give them, viz., knowledge— that by which they were to be conducted through life—by which so much of happiness and improvement might be obtained. The Chancellor of the Exchequer (let it go forth to the country!) the Chancellor of the Exchequer had thought the tax on knowledge of so little importance—had considered it of so small value, that he would not even name it in his Budget! The people had asked of him, and implored of him, time out of mind, to take off the tax on knowledge; but the Government had always attempted, by it, to shut out light from them; it was the only means by which the Ministry could maintain them in ignorance—dark, and slavish ignorance. And the right hon. the Chancellor of the Exchequer had done his utmost, to retain a tax which his predecessors had so laboured to uphold. It was nothing to say there was so slight a surplus. Why did not the right hon. Gentleman make a surplus. [*Laughter.*] That laughter showed the character of the persons from whom it issued; but let those Gentlemen know, there were two ways of getting a surplus—first, by increasing supply—next, by diminishing expenses; the former had been the most agreeable process, for it only touched the people; but the Government never thought of cutting down. He brought it as a charge against the right hon. Gentleman that he had done all he could to prevent the people from obtaining that which so long and so earnestly they had desired; and which he as a statesman, desiring popularity, should have endeavoured to foster and increase. There was nothing so beneficial to a good Government as a desire for knowledge on the part of the people; there was nothing so characteristic of a bad and incompetent Government, as a desire to withhold it.

The *Chancellor of the Exchequer* observed, that the taxes to which the hon. Member for Bath had alluded did not form any part of his financial statement, and therefore the hon. and learned Gentleman need not be surprised at his having omitted any mention of them. There was at present on the Orders a notice of motion to bring the subject of the tax on newspapers before the House, and he could only say that when that Question was brought forward he should be quite ready to discuss it, and if any satisfactory arrangement could be made, he for one would not throw any impediment in the way. The House would recollect, however, that when a proposal was made to reduce the duty on newspapers, it was declared, that unless the whole tax was taken off, any partial reduction would be worse than nothing. In short, it was said, that the tax not only upon newspapers, but upon paper and advertisements, must be immediately removed, as nothing short of that concession would give satisfaction to the advocates of cheap knowledge. Now he believed that these taxes put together would amount to about 1,353,000*l.*, and supposing that he had a surplus of 450,000*l.*, could any man suppose that he would be justified in coming down to the House with such a proposal, and if he had, would the House of Commons have sanctioned so large a reduction of taxation with so small a surplus of revenue to meet it? He hoped the House would at some future time be disposed to consider the whole Question of the stamps on newspapers, but until that period should arrive, he could not consider the Question in any other light than as one which was open to the opinion of the House. He begged to inform the hon. Member for Cumberland, who had alluded to a revision of the duty on inferior barley, that the subject had not escaped his observation, but at present he feared it would not be practicable to carry the wish of the hon. Member into effect.

Mr. *Henry L. Bulwer* said, it was gratifying to notice the reductions which had taken place ever since he had been in the House. He agreed with the right hon. the Chancellor of the Exchequer, as to the advisableness of keeping on the taxes, both on spirit-licences and glass. He agreed, however, with his hon. and learned Friend, the Member for Bath, with respect to the tax on newspapers. He thought something might have been done without materially affecting the revenue. But he must say, that considering all the circumstances of the case—considering the reductions that had lately taken place—considering that they all had their particular tax to take off—and considering, too, the peculiar circumstances under which the Government were in office, he thought all allowances ought to be made, and that they ought not to press on them just now the reduction of a duty to which, nevertheless, he should always be unfavourable.

The Resolutions were agreed to, and the House resumed.

SALE OF BEER.] Mr. *A. Trevor* moved that the Sale of Beer Bill be read a second time.

Major *Beauclerk* suggested that the hon. Member had better withdraw the Bill. He reminded the hon. Member that he had given him notice, that if he moved that this Bill be read a second time, he should move that it be read a second time this day six months.

Mr. *Arthur Trevor* could not think of withdrawing this Bill, which was intended to put down a great agricultural nuisance, without hearing what were the objections entertained against it.

Mr. *Hume* would mention one objection. This tampering with the sale f beer produced a perpetual agitation and excitement in the beer trade, which ought to be avoided. He moved that the Bill be read a second time this day three months.

Mr. *Warburton* seconded the Amendment. One of the principal objects of this Bill was to prevent beer from being drunk upon the premises. It was besides a direct interference with the rights of the poor, and it would be well if those persons, both in this and the other House of Parliament, who were so clamorous for the rights of the poor when they were in no danger, would now come forward to protect them when they were really in no small jeopardy.

Amendment agreed to.

HOUSE OF COMMONS,
Saturday, *August* 15, 1835.

MINUTES.] Bills. Read a second time. On the Motion of Mr. Sergeant O'LOUGHLIN:—Insolvent Court (Ireland).—Read a third time. On the Motion of Mr. ROBERT STEWART:—Reform of Parliament (Scotland).

Petitions presented. By Captain GORDON, from the Presbytery of Dornoch, against the Aberdeen Universities' Bill.

ORANGE LODGES IN THE ARMY.] Lord John Russell appeared at the Bar with his Majesty's most gracious answer to the Address of August 11th, with respect to Orange Lodges. It was as follows:—

"I have received your dutiful Address, submitting to me certain resolutions on the subject of Orange Lodges in the Army.

"My attention has been, and shall continue to be, directed to practices contrary to the regulations and injurious to the discipline of my troops.

"I owe it no less to the dignity of my Crown than to the safety of the country and the welfare of my brave and loyal army, to discourage and prevent any attempts to introduce secret societies into its ranks; and you may rely on my determination to adopt the most effectual means for that purpose."

Lord John Russell moved that this answer from his Majesty be entered on the journals of the House.

Agreed to *nem. con.*

IMPRISONMENT FOR DEBT.] The Attorney-General moved the third reading of the abolition of the Imprisonment for Debt Bill.

Mr. *Freshfield* complained that the House had been taken by surprise on the present occasion, as the general opinion seemed to be that the Bill would not be pressed during the present Session. He felt himself now compelled to make a stand at this last stage of the measure. The Report of the Common Law Commissioners, upon which it was alleged the Bill was founded, by no means recommended so sweeping a measure, nor did the evidence taken before that Committee warrant it. He had already stated his decided objection to the details of the Bill, which was an attempt to limit improper credit, by doing away with the power of arrestment. This appeared to him likely to be very injurious to the interests of the smaller debtors, who comprised by far the larger class, inasmuch as they were frequently compelled, from their narrow circumstances, to take credit. This view of the subject had been taken by their neighbours the Scotch operatives, who had presented various petitions, complaining that the effect of the measure would be to deprive them of that credit which was essential to their comfort and independence. He regretted that an opportunity had not been afforded of discussing in a full House the details of the Bill; but he should now take the liberty of pointing out what it was they were about to inflict upon the country. The early part of the Bill provides that judgment may be obtained by a creditor within eleven days, without any form of law; and ten days afterwards the debtor is to disclose any property he may be possessed of, which the creditor may take possession of. He implored the legal Gentlemen on the other side of the House not to do discredit to themselves and to the Legislature by passing an Act fraught with such injustice. Its principle was most tyrannical and most mischievous, and the worst of it was that the Court had the power of handing over all the property the debtor possessed, unless security for the debt and costs was given. This was a mode of dispensing with Trial by Jury, which he hoped the House would not sanction. The party had merely to swear to the debt, and not a scintilla of evidence was necessary to corroborate it. He would suggest, as an Amendment, that the plaintiff should be required to bring competent persons to prove that the debt was really due. Could it be believed that this affidavit of the petitioner was made to apply to all cases without any limit? It was made to apply equally to an ascertained well-founded debt upon a bond, or any debt, however doubtful or difficult to prove. He would make no observations upon the second clause of the Bill further than commending it to the attention of the House, feeling fully persuaded that if the House looked at it they would see it was an additional objection to the Bill. He would pass to that part of the Bill which, after giving effect to the judgment, stated the way in which it was to be enforced. Without any trial at law—without any intervention of a Jury—judgment is pronounced against the defendant; he is summoned to appear, not before the Court in which the judgment is pronounced, but before the Commissioners of the district; he must go there at his own expense, and if he stays away he does so at the peril of being taken up by a warrant from the Commissioners, and to remain in custody till he has given a full account of all his property. There was another officer called into action —the trustee, who was not even declared to be an officer of the Court, and over whom no person had any control except the Commissioner, with whom he might be in collusion, and the debtor set at nought. He pointed out these Amendments, in order that he might record on the Journals of that House, and show to those who were interested in this question, that there were some persons in that House who saw the defects of this measure, and were anxious to remedy them. And, although he could not but expect that the majority which had passed this Bill would also throw out his Amendments, still he was resolved to press them, as he was determined this Bill should not go up to the other House without an attempt being made to amend it. One clause was made to apply to all property, present and future, yet the three following clauses purported to be provisions for the protection of property, after taking from the man all he possessed. Then the man was not to be discharged until he paid fifteen shillings in the pound, while he was deprived of the power of paying anything. He referred the Attorney-General to the 102nd Clause, which enacts all money under trust to be transferred to the assignees. [Mr. *Hawes*:—That clause is omitted.] He was glad of it; but it would be his duty to move amendments to prevent the transfer of property in trust. At present there were nearly 127,000 cases of insolvency, and a great deal of money had been recovered from persons who, subsequent to taking the benefit of the Act, had acquired property, by the Commissioners of the Insolvent Debtor's Court, which very salutary power this Act would destroy. Further, there was no assurance that the Commissioners of that Court would not be turned adrift after having served the public many years. He thought that some compensation ought to be given to the Commissioners. It was true there was a compensation clause, but if it was of any value it would be the reverse of value to the Commissioners, as they were excluded. His learned Friend the Solicitor-General held up a paper which he trusted was a Bill upon the subject; but as the Attorney-General was silent on it he was afraid his hopes were ill founded.

The *Attorney-General* had said before and he repeated it now, that he thought the Commissioners had an irresistible claim, if their services were not further required, to compensation.

Mr. *Freshfield* trusted the Attorney-General would not insist upon the clause which threw the onus upon the creditor of proving that he had reasonable cause to believe that his debtor was about to leave the country or lose his action. With these observations he would leave the Bill in the hands of the House. He believed there never was a more severe, arbitrary, and unjust measure introduced to that House. It gave a preference to one creditor over the others, and prevented a fair distribution of the property of the debtor. He should move, as an Amendment, that the Bill be read a third time that day six months.

Mr. *Hawes* supported the third reading of the Bill. The time was come for altering, with a view to its improvement, the law of debtor and creditor, and he trusted that the House would now pass this measure. As the Bill gave creditors the fullest power over all the property of debtors, he should not be surprised to see it meet with opposition from gentlemen opposite, and more especially from individuals in another place.

Colonel *Perceval* said, that neither Members on that side of the House, nor the Members on another House to which the hon. Member alluded, would oppose the giving any fair facility to creditors to recover their debts. They would, however, oppose the giving a power to creditors—a power fraught with injustice, fraud, and oppression. This Bill was fraught with cruelty and oppression, and was in his opinion levelled at the destruction of landed property. He would be sorry to compare the hon. and learned Gentleman to Fieschi, but he must say that this Bill, in some of its provisions, was a perfectly infernal machine. For instance, on a summons being issued by one of the Commissioners appointed under it, that Bill made it a good service if served at the residence of the person to whom it was directed, though he might be many hundred miles off, though he might be in Paris or many other places on the Continent; and if he did not answer that summons, the Bill empowered the Commissioners, in the short space of ten days, to send down a bailiff after him, to take him prisoner, if he did not give bail, and drag him up to town, to answer whatever insulting interrogatories the said Commissioners might choose to put to him with regard to his property. Then it was provided, that if in ten days more this debtor did not satisfy the debt, his property should go to the hammer. Could anything be more unjust or oppressive? Now, it was well known that it would often require twice twenty days and more to make good the title of a property really worth 50,000*l.* or 60,000*l.* in order to enable its proprietor to borrow 5,000*l.* or 10.000*l.* upon it. Was it not most unjust, that property under such circumstances should be capriciously exposed to public sale? The hon. Member complained of such an important measure being brought forward on a Saturday, when so many hon. Members, especially the learned Member for Exeter (Sir W. Follett), were unavoidably absent. Backed by a majority of that House, the hon. and learned Gentleman opposite would notwithstanding, press forward this measure, which he had often postponed in the course of the last Session, to allow Members of his party to bring forward factious measures. He would enter his protest against this Bill, as being grossly cruel and oppressive; and also upon the ground that it was brought forward at a time when it could not be properly discussed.

Mr. *Mark Philips* said, that as the gallant Gentleman had discharged his infernal machine against the hon. and learned Gentleman opposite, he begged to say that he had no such blunderbuss to fire at him. He must say, however, that having had communications with practical men, with men extensively engaged in commerce, who had directed their attention to the provisions of this Bill, with an earnest desire to come to a conclusion in its favour, they still entertained, and he (Mr. Philips) concurred with them in entertaining, a decided objection to certain clauses of the Bill. He concurred with them in thinking that the credit of the country, that credit which was essential to business, would, if this Bill passed, be essentially affected. He would have been satisfied if the hon. and learned Attorney-General should have consented to send a Commission of two practical men into the manufacturing districts, to inquire into the effects which this measure would have upon the credit to which he had alluded, and which existed there so extensively. In such a case he would have had no hesitation in being governed by their decision. He would repeat, that the credit of the country might be affected by this measure to a far greater extent than was generally imagined. He trusted that the Bill, instead of coming into operation on the 1st of January next, would be postponed to June, 1836.

Mr. *Pease* said, that it was morally impossible to make the existing law of debtor and creditor worse than it stood, and that was one main reason for his approving of this measure. This Bill conferred one of the greatest boons that it was possible to give to the commercial community, by obviating legal obstructions which stood in the way of amicable arrangements between the parties. There were hundreds of cases where 9-10ths of the creditors were anxious to come to a fair compromise, when a similar disposition prevailed on the part of the debtor, and when the thing was prevented by one creditor, with the assistance of his legal adviser, in a manner ruinous to all parties.

Mr. *Potter* had been requested by his constituents to express their desire that the Bill should be postponed till the next Session, in order to have the evidence of practical and commercial men taken upon it. He must object to the 131st Clause, which went to alter the law as it at present stood with regard to persons convicted of crim. con. and seduction, and who at present, the House was aware, could not relieve themselves from the damages awarded against them by going through the Insolvent Court.

The *Attorney-General* hoped that it would not be deemed disrespectful on his part towards those hon. Members who opposed the measure if, seeing that the Bill had been so frequently discussed, he should not now enter into any answer to the arguments which they had employed. No measure that ever had been introduced into that House had undergone more deliberation or a severer scrutiny; and many of the objections that had been raised against it were of a piece with that just stated by the hon. Member for Wigan, and derived their origin from an ignorance of the real provisions of the Bill. He begged to inform the hon. Member that the Bill did not at all alter the law as it stood with regard to persons imprisoned for damages in the cases he had mentioned. By that Bill he believed there would be afforded a speedy mode of obtaining judgment, and when obtained, a speedy mode of obtaining satisfaction. It was a Bill that he believed would afford justice both to creditor and debtor, and would be found beneficial to all classes of society.

Bill read a third time.

Preservation of the Peace (Ireland).] Viscount Morpeth moved the Order of the Day for the third reading of the Bill for the preservation of the Peace (Ireland).

Mr. *Poulett Scrope* pursuant to the notice he had given, moved a Resolution to the effect, "that this House would not be justified in passing a measure to increase the severity of the law for the punishment of criminal outrages in Ireland, if it did not propose to take into consideration, at the earliest opportunity, measures for the removal of the leading causes of such crimes, by affording some protection to evicted tenants, some other resource than mendicancy or vagrancy to those who can find no market for their labour, and by securing to every Irishman the means of existence by honest and peaceful industry."

Viscount *Morpeth* said, that at this advanced period of the Session it would be impossible to carry out the views of his hon. Friend; he hoped, therefore, his hon. Friend would consent to withdraw his Resolution, as he could assure him that it was the anxious wish of his Majesty's Government early next Session to bring forward such remedial measures as they thought would meet the evils at present existing in that unfortunate country.

Mr. *Poulett Scrope* would be satisfied at this advanced period of the Session with entering his protest against this measure, unaccompanied as it was by the remedial measures pointed out by a Select Committee of the House five years ago. After what had fallen from his noble Friend, and having by proposing his Resolution entered his protest against the measure, his purpose was for the present answered, and he should not hesitate to withdraw it.

Bill read a third time and passed.

HOUSE OF LORDS,

Monday, August 17, 1835.

Minutes.] Petitions presented. By Lord Feversham, from Scarborough, against parts of the Municipal Reform Bill.—By Viscount Melbourne, the Marquess of Lansdowne, the Earl of Radnor, the Marquess of Westminster, and Lord Brougham, from a great Number of Places, in favour of;—and by Lords Redesdale and Wharncliffe, the Earl of Roden, the Earl of Dartmouth, Lord Lyndhurst, and the Earl of Winchilsea, from a Number of Places, against the Municipal Corporations' Bill.—By Lord Brougham, from Westminster, for the Repeal of the Stamp Duty on Newspapers.

Highways Bill.] The Duke of Richmond moved, "That the Report of the Highways Bill be now received."

The Earl of *Falmouth* wished to move an Amendment in the Clause which gave to the surveyors of roads the power to take away from lands such materials as they might deem necessary for the repair of roads, provided that such materials were not abstracted from gardens, orchards, plantations, &c. He should propose that the word "woods" should be inserted before plantations. It would be a very great hardship upon a poor individual, whose whole property might consist in a small wood, if the surveyors were allowed to enter it, and form a quarry for the purpose of procuring materials to repair the roads, not only without his consent, but perhaps entirely against his will. Again, compensation was to be awarded for the materials thus taken away, and for any damage which might be done to the land, by the magistrates assembled in special sessions. Now, he was very much afraid, if some alteration were not made in the Clause, that they would award only a *minimum*, and not a full and fair measure of compensation.

The Duke of *Richmond* said, this Bill had been for nearly two months before the House. It had been referred to a Select Committee, who had thoroughly investigated every part of it, and he certainly did think that it was very hard for the noble Earl to come down at that late period of the Session, with a number of Amendments. It was thought by many that the exemptions, as the Bill now stood, were too extensive; but if the word "woods," which was a very comprehensive one, were introduced, it would open a wide field of dispute and litigation. The Clause which the noble Earl wished to alter had been much considered by the Select Committee, and he could not consent to the Amendment.

The Earl of *Falmouth* said, he did not want to open a wide field, but to shut up a little wood. Was it to be tolerated that a surveyor should have the power to take the property of a private individual, and that that individual should only receive a *minimum* of compensation? If materials were taken for the benefit of the public, the public ought to pay an ample price for them. Such was the course pursued with respect to rail-roads, canals, &c. He should move that these words be inserted—"That in cases where the property of individuals is taken under this Bill for public use, the fullest and most ample compensation shall be awarded."

Viscount *Beresford* said, the Clause which the noble Earl wished to amend had undergone the fullest consideration in the Select Committee.

Lord *Colchester* also opposed the Amendments, and observed, that the Bill had been fully considered in Committee; and that after full consideration, it was agreed that the terms of the Clause ought not to be extended more than at present.

The Duke of *Richmond* could not consent to the proposed Amendments. The 13th of George 3rd. (the old Highway Act) had given powers more extensive than this Bill, and the Committee to whom the Bill had been referred, had rather restricted than extended the old law. Under the present Bill, the magistrates must, in the first instance, declare that it was necessary for public purposes to take the stone; and till they did so, no invasion of property could be made. The noble Earl talked of the invasion of private rights; but if he had attended the Committee, he would have found that private rights were fully considered and protected.

The Earl of *Falmouth* did not know that because a Bill had been considered in Committee, no noble Lord was at liberty afterwards to propose an Amendment therein. He repeated, that if their Lordships consulted, as they were bound to do, the protection of private property, they would agree to his Amendments. He did not wish to press the Amendments now, but would consent to the Adjournment of the Bill for a day or two. He moved the Adjournment of the Question to Thursday next.

The Duke of *Richmond* opposed the Adjournment of the further consideration of the Bill, which had been already two months before the Committee. If he consented to the Adjournment, the Bill would not get through Parliament before the end of the Session. The noble Earl hardly considered the extent of the proposed Amendment, when he proposed to introduce the word "wood," for there were woods of between 2000 and 3000 acres in this country. The noble Earl ought to have attended the Commitee, which was the proper place for proposing the Amendments. However, the noble Earl might, if he pleased, propose these Amendments on the Motion for the third reading.

The Earl of *Falmouth* would not consent to this assumption of superiority on the part of the noble Duke. He was perfectly aware that there were sometimes 3000 acres of wood, but these were forests; and the noble Duke ought to know, that forests and woods were not the same thing, and he should be ready to limit the Amendment to woods of a certain extent. As to the Adjournment, he thought that the noble Duke went on so quickly that he was hardly able to keep up with him.

The Question that the Debate be adjourned was negatived. The Report was received, and the Bill was ordered to be read a third time.

STAMPS ON NEWSPAPERS.] Lord *Brougham* held in his hand a petition most respectably and numerously signed by the inhabitants of London, Westminster, and its neighbourhood—a petition agreed to at a public meeting of above 3000 people, including the Members for London, Westminster, and Southwark. He could speak of his own authority and knowledge to the respectability of the meeting, and to the unanimity with which this petition was agreed to, the petition being for the repeal of the tax upon newspapers. He was sorry to say that this was not the only petition he had to present on this subject, on which the petitioners' wishes were so little likely to be attended to, for he had thirty-four other petitions, which, on account of the business now before the House, he should postpone for the present; but he had been requested not to postpone this petition, and that, too, in consequence of the great disappointment which the petitioners had felt on seeing the budget of the Chancellor of the Exchequer, and observing the way in which he had applied what surplus there was of revenue, namely, in giving relief to the flint glass trade, in which he (Lord Brougham) supposed that all the country was interested, and in lowering the duty on spirit-licences, and making it cheaper to keep gin-shops than before. This was the way in which the surplus had been applied, instead of removing this tax, which was a tax upon an article innocent, and useful, and proper, namely, political information—information as to what passed in the two Houses of Parliament, and in courts of justice. As long as this tax was retained, these meetings would be held, and he for one should never cease to urge its repeal. He would here take the opportunity of correcting some gross misrepresentations that had gone abroad on this subject. One or two respectable publications had assumed that which was directly contrary to the fact. It was asserted, that those who had petitioned Parliament on this subject, called for the repeal of taxes to the amount of 1,300,000*l.* This was utterly and absolutely untrue. The amount of the Newspaper Stamp Duty, for the repeal of which they prayed, was 480,000*l.*, and those persons who misrepresented the matter made up the larger sum by adding the advertisement duty, and the Excise duty on paper, upon the increase of each of which the petitioners reckoned as likely to make up the deficit occasioned by the repeal of the Stamp Duty. The petitioners did not call for any interference either with the advertisement duty or the paper duty. They said, "Take off the Stamp Duty, but do not take one farthing from the advertisement duty and the paper duty; and, in our opinion, the increased number of advertisements, and the increased consumption of paper, will make up the deficit." Those, however, who were now endeavouring to mislead the public, and to suppress the truth, made a very different statement; but they would find themselves wofully deceived if they, or even the Government itself, supposed that the people would be any longer deluded with respect to this question.

Petition to lie on the Table.

CORPORATION REFORM.] Lord Brougham presented a Petition in favour of the Municipal Corporations' Bill, from Sutton Coldfield.

Lord *Lyndhurst* said, that his noble and learned Friend, in presenting a petition from Sutton Coldfield on a former occasion, had spoken of the small number of Corporators—being only five—who had attended to fix the seal of the Corporation to a petition which had been presented against this Bill. His noble and learned Friend had stated, that at that meeting of five there had been a division on the propriety of sending a petition, and that the petition had been carried by the smallest possible majority—namely, three to two He had that day received a letter stating that there were eight members of the Corporation present when the seal was affixed, and that there was no division at all on the point. The letter also added, that many of the Corporation were in favour of the petition. Mr. Kempson was not a resident in the place, and Mr. Sadler was not connected with the Corporation. He had intended to bring the letter down with him to the House, but he had forgotten it. He trusted that their Lordships would not be led away by the erroneous statements which were contained in some of the petitions presented on the other side of the House.

Lord *Brougham* said, that his noble and learned Friend had drawn a very fine moral from the fable or story which he had just told their Lordships. That moral had met with very general assent from their Lordships, who had recently acted on the maxim of hearing one side only. It was a maxim of James 1st,—a very great authority, he believed, with noble Lords on the other side of the House,—that nothing was so inconvenient, or indeed so puzzling, as to hear both sides. "If you hear one side only," said that learned Monarch, "you have no trouble, for all is then clear enough; but if you hear both sides. there is no knowing when you will come to a close." Therefore it was that their Lordships were perfectly right in deciding, as some of them had publicly ere now declared that they would decide, without hearing both sides. To return, however, to this letter. You have on the one side a petition coming from two respectable gentlemen, fairly drawn up, regularly signed, distinctly read, and in due course of proceeding replied to. It was true that this petition was not signed by a number of persons, but by two Gentlemen, Mr. Sadler and Mr. Kempson—one of them a most respectable Magistrate of the county That was the petition which he (Lord Brougham) had presented. He admitted that he was not answerable for the statements of the petition, nor had his noble and learned Friend stated that he was. His noble and learned Friend had since got a private letter addressed to himself as an individual from one or two other individuals [Lord *Ellenborough* rose.] Wait, continued Lord Brougham, till you hear my argument. Your's is King James's practice, and perhaps you will not decide so comfortably and so easily when you have heard my statement." The meeting, continued Lord Brougham, to which he had referred, was a different meeting from that to which the letter addressed to his noble and learned Friend referred. The petition which he presented spoke of a meeting of five, at which a petition against the Bill was carried by the smallest majority possible. The letter spoke of a meeting of eight at which there was no division. That letter was not a statement for which, if it were false, the House could punish those who made it by fine and imprisonment; it was a mere private piece of information, for which nobody could be rendered responsible. He did not mean to deny its accuracy. There might be a meeting of eight, as well as a meeting of five; at the one there might be no division, at the other there might be a division. But, be that as it might, it was not much if out of twenty-three Corporators eight only could be mustered to affix the common seal of the Corporation to the petition presented by his noble and learned Friend. He knew the consequences of the statement made by his noble and learned Friend would be, that he should, in the regular course of post, receive a counter statement, with, perhaps, another petition, praying that evidence might be heard at their Lordship' Bar, to ascertain which statement was correct—a petition which he certainly should present, if it were intrusted to him, but to which he should recommend their Lordships not to assent.

The Duke of *Cleveland* presented a petition, numerously and respectably signed, from householders of Darlington, in favour of the Municipal Reform Bill. He regretted exceedingly that this petition had been placed in his hands at so late a period, for though the prayer of it was short, he was afraid that it could not now be complied with. The first part of its prayer was, that their Lordships would be pleased to pass the Bill without delay. It was his humble opinion that most improperly, and without any reason, much time had been already lost in the consideration of a measure which had not come up to them till a late period of the session. The other part of the prayer was, that their Lordships would pass it unimpaired in any of its essential features. He was apt to think, that as they had now only got to the 8th clause [A *Noble Lord,* to the 24th clause.] —well, then, he was apt to think, that as they had now got to the 24th clause, or about through one fifth of the Bill in the two days during which they had been in Committee, and had made such important alterations in it, the Bill would meet with some further alterations still more essential and still more detrimental in their consequences, before it had got through the Committee. It was his misfortune to have had a seat in that House longer than any Peer whom he had then the honour of seeing within its walls, and he must say that in all his experience he had never seen greater indecorum, greater impropriety, and more irregularity, than he had seen in that House during the last fifteen days. It might be irregular in him to refer to what occurred in that place on this day fortnight, yet he must be permitted to say that what then occurred must in its consequences be most detrimental to their Lordships. Their Lordships had taken *ex parte* evidence after a fashion which would not have been allowed in any other assembly in the kingdom, and had permitted the character of hon. and learned men, acting in the discharge of important public duties, to be attacked in their absence in a manner that was perfectly unjustifiable. He only knew one of those hon. and learned individuals, but of that individual he would say that a more honourable and virtuous man did not exist, be the other who he might. Whether the Commissioners were Whigs or Tories, or far more dreaded name—Radical, was quite indifferent to him in the observations which he was addressing to their Lordships. He had heard with surprise and indignation what had fallen from a noble Duke on the other side of the House. He had heard that that noble Duke had threatened to impeach the first Minister of the Crown. He had also heard that the noble Duke had given intimation of his intention to divide the House against going into Committee on this Bill, and that the noble Duke had relinquished his intention on the latter, as he had shrunk from his threat on the first point. He had also heard that the same noble Duke had made, with some exultation, a declaration that he had voted against the Test and Corporation Act, against the Catholic Emancipation Act, and against the Bill for the Reform of the Commons' House of Parliament. He had heard of all these things, and he must say that they had perfectly astounded him. The last of these declarations, it was true, had not astounded him as much as the other. He could suppose that the noble Duke felt some degree of sorrow, in the recollection of a common loss which they had both experienced; he alluded to the manner in which they had both been relieved from the task of nominating members for seven or eight boroughs, of which they had formerly enjoyed the command. For his own part, he did not repine at that loss, because he considered it to be for the general benefit of the country, and for the promotion of the rights of the people. The assertions to which he had just alluded really had astounded him, and he should not have mentioned them had they not formed a striking feature in the very extraordinary series of improprieties and irregularities which had taken place among their Lordships during the last fifteen days. He knew that on most occasions what he said was unworthy the notice and attention of their Lordships; he knew that he was incapable of expressing himself as he could wish upon public occasions; it was rarely, except on presenting a petition, that he presumed to offer any remarks for their Lordships' consideration, and now that he had been heard by them in so very favourable a manner, he should only add a few words more, in which he would hope and trust, and in which he would beseech and implore his noble Friend near him, as an independent man, as an independent noble, and as an independent Minister, to persevere in carrying through Parliament the measure which he (Lord Melbourne) had brought in, and which he was happy to eulogize as most likely to prove useful and beneficial to the country. He was sorry to find that many Members of that House persevered in opposing it, and he should be still more sorry if, by their perseverance in opposition to it, they should lead to a collision with the other House of Parliament.

The Duke of *Newcastle* said, that as the observations which had fallen from the noble Duke had reference to what had occurred in a past debate, he should not think it worth his while to give them any answer. The noble Duke had thought fit to advert to what he supposed were the reasons of his opposition to the Reform Bill. Now, upon that point he would merely say that he had been relieved by the Reform Bill from very great care with regard to the boroughs in question. It was on public principle, and not from any feelings of private interest, that he had opposed the Reform Bill. He could only say that he had never profited by his boroughs. His dukedom, at least, had not been gained by his boroughs, and with that remark he should close the conversation.

The Duke of *Cleveland* said, that in answer to the insinuation of the noble Duke—[*Cries of "Spoke, spoke."*] He appealed to the justice of their Lordships, whether they ought not to hear him after what had just fallen from the noble Duke. The noble Duke had replied to him; and he might be, perhaps, permitted to say, in consequence of that reply, that he had not intended in what he uttered to say any thing personal to the noble Duke. Neither had he meant to take any credit personally to himself. He had no doubt that the noble Duke had acted as purely and as conscientiously as he had himself done. "But," continued the Duke of Cleveland, "when the noble Duke asserted that I got my dukedom by my boroughs," [The Duke of *Newcastle*—I said no such thing.] The noble Duke made such an insinuation, however, and therefore I here protest before the House, and I also protest before God and my country, that I derived no advantage in honours, or in any other way, from sacrificing my boroughs to the public good. I never asked for anything—I never applied for anything, directly or indirectly, for what I did on that subject. The honours which I have received were the free gift of my most gracious Sovereign, and were not conferred on me for any compromise, which would have robbed them of all their worth both to the giver and to the receiver.

Petition laid on the table.

IMPRISONMENT FOR DEBT.] Lord *Brougham* called the attention of their Lordships to a Bill of very great importance which had just come up from the Commons, and of which he should immediately move the first reading; it was the Bill for the Abolition of Imprisonment for Debt. Great care and consideration had been bestowed on the Bill in the House of Commons. It had been discussed in a Committee above stairs and it had been discussed in the House. He therefore trusted that their Lordships would throw no obstacle in the way of converting this Bill into law.

Lord *Lyndhurst* admitted that the Bill was a Bill of great importance, and that it had undergone much discussion and examination in the other House of Parliament. That was a reason why it should undergo great discussion and examination in their Lordships' House. He considered it to be quite impossible that the Bill should pass without being sent to a Committee up stairs. Whatever opinion he might entertain on the merits of the Bill, he must say that it was quite impossible, unless their Lordships were prepared to sit there six weeks longer, to give it the important consideration which it required in the present Session.

Lord *Farnham* wished to remind their Lordships that this Bill applied the principle of the bankrupt law to every acre of landed property in the country. The Commissioners named in the act would have power not only over the property, but also over the persons of their Lordships. He complained that the House of Commons had not examined any witnesses connected with the landed interest as to the propriety of this Bill. The Bill itself was said to be founded on the fourth report of the common law Commissioners; but he would undertake to prove on a future occasion that the most obnoxious principles and provisions of it were not contained in the recommendations of the Commissioners. He hoped that their Lordships would let the Bill be printed, and would then take it with them into the country, in order that they might be acquainted with its provisions at the opening of the next Session of Parliament.

Lord *Brougham* lamented that the noble Baron had not pursued the line adopted by his noble and learned Friend and himself, in resting their observations simply upon the course which had been adopted in the other House, and which ought to be adopted by their Lordships, regarding it. He himself had not said one word about its details; he had merely said that he approved of its principle. The noble Lord, however, had attempted to stigmatize the Bill by a premature advertisement against it. No one knew better than he did what this Bill was, as it had originated in a statement which he had made some years ago in the House of Commons on the abuses existing in the practice of the common law. A representation of a measure in its principles, in its provisions, in its details, in its effects on personal liberty and on real property, more unlike the thing to be described had never been given in this world by any one man of any one measure, than the description just given by the noble Lord was unlike the real Bill. Supposing that he had been inclined to let this Bill go over to another Session, he could not now, after the appeal made to noble Lords on a subject which they all regarded as dear to them, he meant their personal liberty and their real property, allow it to be run down with the landed interest and the aristocracy of the country without standing up on some future occasion to show what the Bill really was. He should be most ready on a future occasion to meet the noble Baron on this Bill. He did not deny that the observations of his noble and learned Friend deserved attention. He would not pledge himself to abstain from proceeding with this Bill, nor would he state how he would proceed until he had taken further time for consideration.—Bill read a first time.

Viscount *Melbourne* moved the Order of the Day for the Committee on the Corporation Reform Bill.

BURGH REFORM (SCOTLAND).] The Earl of *Haddington* was sorry to interpose; but he rose to call the attention of the House and of his noble Friend, the Viscount at the head of his Majesty's Government, to a subject of very considerable importance, which indirectly had a very important bearing on the subject they were about to discuss. It would be in the recollection of their Lordships, that three or four times in the course of the discussion of the Municipal Corporations' Bill, his noble and learned Friend opposite (Lord Brougham) had referred to the triumphant manner in which the Bill for the Reform of the Scotch Corporations had been carried through that House two years ago. The discussions of that measure certainly were not very numerously attended. Himself, a noble Friend below him, and a noble Marquess, whom he did not see in his place, but might venture to name—he meant the Marquess of Bute—were the three heroes who appeared against the Bill; his noble and learned Friend alone encountered them, and, as their Lordships would very readily believe, gained an easy triumph over them. The ground on which they opposed that Bill—at no stage of which were there more than thirty noble Lords present—was, that his Majesty's Ministers had issued a Commission of Inquiry into the whole state and condition of Scotch Corporations: but that the Ministers had afterwards thought it more convenient to legislate first, and inquire afterwards. The noble Lords who opposed the Bill were overpowered, however; the Bill was passed, and Scotland was now reaping the enormous benefits derivable from it. He understood now that the Report of the Commission—which had been issued more than two years ago—was made, and unless he had been misinformed, it furnished a strong proof that it was better to inquire first, and legislate afterwards, especially in a case where the complicated interests of no less than seventy boroughs were involved. Most of their Lordships were probably aware that every Corporation in Scotland possessed very great and highly important patronage. The Corporation of Edinburgh nominated the Clergy of the Established Church of Scotland in the city of Edinburgh, and, consequently, the leading portion of the Presbytery. About three-fourths of the professorships in the University of Edinburgh were, also, he believed, in their hands—if he were not mistaken, they nominated to all the Clinical

Chairs, and the Corporation of Glasgow exercised a similar power over the University of that City. Now the Commissioners were, he believed, all Whigs, and some of them were Whig lawyers at the Scotch Bar; and yet he was informed that it was distinctly stated, either in the body of the Report, or in the evidence, that the patronage, vested by the Act of his noble and learned Friend in these popular and annually elected bodies, ought not to have been so vested in those bodies, and was not fairly exercised by them. His object in moving, therefore, was to receive from his noble Friend an official assurance that the Report had been made, and should be forthwith laid before the House. There was no reason why the members of these Town Councils might not be Dissenters—indeed, he believed many of them actually were; and connecting with the circumstance of their having this church-patronage at their disposal, the other fact, that a Commission was now sitting, or about to sit, to inquire into the Church of Scotland, under the guidance of a noble Earl opposite, many members of which were not only Dissenters, but advocates of the voluntary Church principle, he did think it was high time that their Lordships should know what was really the opinion of so very respectable and competent a body of persons, in every respect, as these Commissioners of Corporate Inquiry in Scotland undoubtedly were. He should not have risen on that occasion had he not felt that the Question had a direct bearing on the English Corporations' Reform Bill. There were many Dissenters in the English Corporations, and, at all events, they had very important patronage, Church and otherwise, at their disposal, with which the interests of the Established Church were materially connected. He, therefore, thought it their duty to consider, before they came to that part of the Bill, the manner in which an analogous provision had worked in Scotland. It was with this view, and for the purpose of drawing their Lordships' attention to the subject, that he had taken that particular opportunity of putting the Question to the noble Viscount.

Viscount *Melbourne* said, that various opportunities would occur in the course of the Committee for discussing the Question to which the noble Lord had referred. However, he did not shrink from it. He had only to say, that the Report had been received; that it had not been received until about the 8th instant; that it would be immediately laid on the Table of the House; and that measures would be taken for placing it in the hands of noble Lords.

Lord *Brougham* said, that, according to his confident anticipations and belief on the subject, the noble Lord would find that the Report of the Commissioners afforded no grounds for the supposition he had stated. "What a lucky thing it is to be a Scotchman," was a very old saying; and it was well known that the answer of a person who had done the State some service, to Lord Melville's proffers of reward was, "Why, if your Lordship could only manage to make me a Scotchman, I should be perfectly satisfied." A new discovery had been made, however; it was a great thing to be a Scotch Commissioner. Every act of an unfortunate English Whig Commissioner was mistrusted and found fault with; he sacrificed everything to his politics, and his Reports were mere waste paper. But when a Scotch Whig Commissioner took the field, his Reports were absolute perfection. They were without appeal, and were to bind the Legislature irrevocably. He hoped, as he had said thus much for his noble Friend's countrymen, that his noble Friend would say as much for the English Commissioners, and admit that they were entitled to equal deference and respect.

The Earl of *Minto* said, that out of eleven Commissioners, constituting the Church Inquiry, eight were members of the Church of Scotland, one was a Dissenter, and two were supposed to hold opinions not favourable to the Church; but he believed that every one of them was a conscientious and upright man, who would do justice to the subject he was employed to inquire into, whatever might be his political opinions.

The Earl of *Aberdeen* expressed his decided opinion that what had hitherto occurred was only the commencement of a feeling of discontent against the decision of the Commissioners, which, unless means were taken to remove it, would diffuse itself throughout Scotland. It was perfectly correct that some members of the Commission who had been referred to were friendly to the voluntary principle. These Commissioners were armed with unprecedented powers, and it was highly important that they should be so selected as to give satisfaction to the country.

Viscount *Melbourne* had always foreseen that the composition of the Commission would be a very difficult matter, and that in consequence of the violent party-feeling which, he regretted to say, prevailed both on the one side and on the other, it would not give perfect satisfaction; on that account alone, and not from any defect in the composition of the Commission itself, with reference to the subject which had been referred to, he had no hesitation in saying that he thought it great imprudence in the late Ministry to bring it forward in the speech from the Throne. He was not personally acquainted with the merits of the several gentlemen who composed this Commission, but he begged to say, that to disqualify a man from being a member of any Commission, it was not sufficient to say he entertained a particular opinion with respect to the connexion between Church and State. It very much depended on the manner in which he expressed that opinion, and the extent to which he carried it. Suppose a man in the course of cool and calm argument expressed a doubt whether the voluntary principle was not sufficient for the instruction of the people, it was not a sentiment in which he concurred, but at the same time he must say, that thus expressed it was not sufficient to disqualify a man from being a member of such a Commission. He was extremely sorry to find that this Commission had not given entire satisfaction in Scotland. He should give it his fullest consideration, and if any means could be taken of rendering it more satisfactory, without impairing its efficiency or injuring its character, he should be most happy to adopt them.

The Order of the Day was read, and the House resolved itself into a Committee.

Corporation Reform—Committee.] On the 24th Clause,

Lord *Lyndhurst* said, it was his intention to propose for the consideration of their Lordships some Amendments on this Clause, and it would, perhaps, be more convenient that he should state the whole of them, and take the discussion upon them together, rather than have a separate debate upon each. Before, however, he proceeded to state what was the nature of the Amendments which he meant to submit to the House, he could not forbear adverting to the observations made in the course of this evening by a noble Duke opposite (the Duke of Cleveland). The noble Duke charged him (Lord Lyndhurst) and those who thought with him on this measure, with wasting the time of the House in unnecessary discussions on this Bill. Now, never in the history of Parliament had a more difficult question—a question embracing so great a variety of details, or requiring more cautious consideration—been presented to the consideration of their Lordships, and yet, though it was now only fourteen days since it was proposed to read the Bill a second time, the House had advanced greatly in the Committee, and when, by the votes of the proceedings of the other House of Parliament, it appeared that it had been employed five weeks in the discussion of this Question, he must protest against the charge of the noble Duke, as being utterly destitute of foundation—a charge which ought not to have been made by the noble Duke without due deliberation. The noble Duke had also charged their Lordships with having made great alterations in the principle of this Bill. He was not aware that any alteration had been made in the principle of the Bill up to the present time. What was the nature of the Amendments which so far had been adopted? They were three in number, for he did not include those Amendments which were mere matters of detail, and which had never engaged the attention of the noble Duke. And what were those three Amendments? The first only carried further the principle which the noble Viscount at the head of the Government had in the Bill himself laid down—namely, the principle relating to the property of the freemen. That principle in the Bill of the noble Viscount protected that property up to a certain point; the Amendment he had proposed, and the House had adopted, carried out that principle of protection to the full extent, so that there was no alteration in the principle of the Bill in this respect. Again, the noble Viscount in his Bill protected the elective franchise of the freemen to a certain point; his Amendment had extended the principle further, and protected those rights of freemen to the extent they were preserved by the Reform Act. Here, again, the principle of the Bill had not been departed from. The only remaining amendment that could be considered a substantial amendment, was that which related to the qualification for the office of Town-councillor. That qualification had been fixed by the noble Viscount at a low rate, had provided that they must be rate-payers, and have resided for three years. His amendment had carried out the feeling of the majority of the House, viz:—that they thought a higher qualification was necessary, and in fixing that higher qualification they had not acted inconsistently with the original principle of the Bill. So far with the charges of the noble Duke. Now, with respect to the nature of the amendments which he was about to move. The House had now arrived at the most important Clause in the Bill—that Clause which related to the composition of the governing body of the different Corporations. It was in reference to the governing bodies that his amendments would be proposed; and first, he must inquire what was the shape of that body under this Bill. The council was to be elected by the rate-payers, and to hold their office for three years, but no qualification was required. Some qualification he thought necessary, and to that point his amendments would be directed. Let their Lordships consider in what way a body constituted as this Bill provided would act: they were to be elected by the whole body of rate-payers, and all past experience showed they would act under the control of the persons by whom they were elected. Past experience showed that they would be required to give pledges as to their course of conduct; they would be influenced by the prospect of re-election, and thus would be bound to flatter the prejudices, and pander to the passions, of those whose suffrages they again sought. The House and the country had lately seen how this system worked; they had seen that a person so appointed would act under the control and be subservient to the opinions and political views of those by whom he was returned. When he first entered into public life, he remembered the principle then acted upon with respect to the representative government of the country, and carried also into minor matters of government. It was then said, with respect to the representative government, that it had all the advantages of a democracy, while it avoided its evils: it was said, that by adopting that principle, the abuses of a democracy were got rid of, and the representative was left to exercise his own fair, impartial, and unbiassed judgment upon matters submitted to his consideration. Of that system their Lordships and the country had seen the reverse brought into practice, and the representative might now be considered as the mere agent or delegate of those who elected him. Now, when it was remembered by whom these Town-councils were to be chosen, and when the House saw the manner in which those councils were to be composed, he must be excused if he recalled to their Lordships the extraordinary and extensive powers which this Bill vested in the Town-councils. In the first place, they were to have the possession and entire control of all the funds and property of the Corporation; in the next place, they were to be intrusted with the power of imposing taxation—a power far beyond that possessed by any body in this kingdom, except the two Houses of Parliament; in the third place, they were to have the entire, free, and uncontrolled patronage of the Church—a patronage extensive in many Corporations, and in Bristol alone comprising eleven or twelve churches. In addition to these powers, they were to have that of licensing public houses within their several and respective jurisdictions; they were also to have the entire control and direction of the police of their town or borough; they were also to have the extraordinary power of selecting the individuals to be presented to the Throne; to choose for magistrates within the town, for the Crown was to have the choice only of such as were nominated by the governing body of the Corporation; and, lastly, there was to be transferred to these nominees of the people, without qualification, inquiry, or security, the extensive charitable funds placed under the care and superintendance of the now existing Corporations. Such were the extraordinary and extensive powers to be invested in the body he had mentioned—a body so elected, and acting under such control, as to excite in his mind feelings of alarm for the consequences. He regretted the noble Viscount opposite (Viscount Melbourne) had not laid on the Table of the House the Report to which his noble Friend (the Earl of Haddington) had adverted, because he had reason to believe, that in it would be found such proofs of the operation of this principle in Scotland, as would lead the House to pause before it gave away powers such as these to bodies so constituted. He believed it would be found, that the Commissioners entertained very great doubts as to the propriety of investing these Corporations with Ecclesiastical patronage, and with right of interference with the Universities. As the Report was not on the Table, he could not with absolute precision or certainty state fully the nature of the other objections entertained by the Commissioners. With respect to Glasgow, however, he had an account furnished by a gentleman holding such a station in that city—a gentleman of observation, of experience, and of talent—as to be able to state the manner in which the system worked there, and which would put the House on its guard as to the course it should pursue in this Bill. It was material that he should refer their Lordships to some passages in this letter, which he (Lord Lyndhurst) considered important. This gentleman says, "The baneful effects of the want of such a qualification we severely feel in Glasgow, under the Scotch Burgh Reform Act, and I am anxious our case should be known to your Grace before the cities of England be subjected to a similar infliction. Under the old system our magistrates and councillors were taken from the highest class of our citizens, and uniformly were the wealthiest and most influential of our merchants and manufacturers. Under the new system, councillors have been elected who were, on oath, certified to be so poor as to be unable to contribute the smallest sum to the poor-rate; others were but lately bankrupts, and newly discharged by their creditors; and the great majority were men of neither influence nor property, distinguished in their little circles merely by the violence of their political opinions. The acts of such a council are just what might have been anticipated. Having little or no stake in the community themselves, they proceeded to deal with the burgesses' property, under their trust, in the most improper manner, employing the burgh funds in attempting to turn out the old legal and civil servants of the Corporation, who held their offices '*ad vitam aut culpam*,' and to put in creatures of their own—in attempting to exclude the Established Clergy from their share in the management of the greatest of our city charities, which they derived from the will of the founder, and which they had exercised for 190 years. These, and an endless catalogue of mischievous measures have been the consequence of the inexperience and ignorance of our councillors; and the respectable part of the council are so dissatisfied with the conduct of the majority, that they seldom can be brought to take a share in their proceedings, and there is every prospect of the councils falling into utter contempt. The burgh funds have suffered severe dilapidations under their management, and they talk of resorting to a poll-tax to replace what they have dissipated. Under the management of the old council, for several years back, the published balance-sheet exhibited a surplus revenue." It would not be convenient that he should state the name of the writer, but he had no objection to communicate it to his noble and learned Friend opposite. Now, the question was, did their Lordships think that the Town-council would be so constituted under this Bill as it now stood, that it might be safely trusted with the exercise of those extensive powers with which they would be intrusted under this Bill? In his opinion they required some steadiness in that body. They required something in its composition to guard against that unsteady influence which from time to time would be exercised by the popular party in the renewal of parts of the council. But how was this to be effected? He thought it could be by having a certain portion of the Corporation not subject to re-election every three years, but to hold their appointment for life. His proposition would be, that the proportion so exempt from election should amount to one-fourth of the whole of the Town-council. Now, in this he followed the example of some of the best Corporations in the country; he followed, also, that ideal model for which some contended, who asserted that the ancient practice of our Corporations was that the election of its members should be an open one, and that many of them should hold their appointments for life. He followed, also, the example of the Corporation of London, which had its common-council annually elected, but its aldermen elected for life; but he was also following the precedent set in a Bill which had received the sanction of his noble and learned Friend and of the noble Viscount. He flattered himself that on this occasion he should have the support and protection of his noble and learned Friend. [Lord *Brougham:* "No."] He was very sorry to hear this sudden denial of support from his noble and learned Friend, and that, too, before he stated the reasons on which he had founded his hope that he should receive that support. The ground on which he had flattered himself that he should have the support of the noble Viscount was this—that in the Bill to which he had alluded, his noble and learned Friend had a provision to this effect, that each Corporation should elect in each ward one freeman who was to be an alderman, and who should hold his office for life. Another Clause of that Bill which he was disposed to follow was, that the mayor and aldermen of such Corporations should be members of the common-council in virtue of their office, notwithstanding anything which had been said in the previous Clauses of the Bill, as one-third of the council going out every three years. In this he quoted the exact words of his noble and learned Friend's Bill. That Bill, it was unnecessary to say, was that measure by which it was proposed to give Municipal Charters to certain towns and newly-created boroughs. It was a measure drawn up with great attention, and had undergone the careful revision of a noble Lord, then the leader of the other House of Parliament. It had received the full approbation of the then Government, and he had never heard that his noble and learned Friend had ever said a word against the principle of that part of the Bill. He himself could not speak on the subject from his own recollection, for he was not present, but he had searched that mirror in which the past proceedings of the House were reflected, and he could not find any record or mention of any such objection having been made by his noble and learned Friend. He had also consulted a noble Lord who had good opportunities of knowing, and on whose excellent memory he could rely, and he could not find out that his noble and learned Friend had ever expressed any dissatisfaction at the principle of having a portion of the Corporation—namely, the aldermen—to hold their offices for life. On the contrary, he found that his noble and learned Friend praised the mode of electing aldermen as proposed in his Bill, to that which was adopted in the Corporation of London. He could not but admire the prudence of the course adopted by his noble and learned Friend with respect to that Measure: it was a Measure which went to create Corporations, but it had not to deal with existing interests. It did not interfere with vested rights or ancient privileges, it was not mixed up with complicated questions, and yet his noble and learned Friend, with a prudence which did him credit, was anxious that it should not be hurried through Parliament; and, having laid it on their Lordships' Table, he proposed that it should stand over for another Session. Contrasting that course with the railway speed with which it was attempted to urge the present Measure forward, he must call the latter most exceptionable, unwise, and injudicious. Now, what he proposed was, that three-fourths of the Town-council should consist of those already named in the Bill, and be elected in the manner there stated; but, that the remaining fourth, having the title of "capital burgesses" or "aldermen," [*several noble Lords called out "Aldermen,"*] should be elected, and once elected should continue to hold their offices for life. Their Lordships might ask whom did he propose to fill the place of aldermen, and he had no hesitation in saying, that he thought it but an act of justice that the offices should be continued to those who now held them. They held their offices by ancient charters; they had long been connected with the administration of property to a large amount. There was no law in the country could deprive them of those appointments, except they forfeited them by misconduct. It was a principle of our constitution that "no man shall be dispossessed of his freehold except by the judgment of his peers, or by the law of the land." What! the noble Viscount had abandoned that part of the Preamble which cast an imputation on the Corporations. Where, then, was the charge against them? Was it in the Report of the Commissioners? That Report had been answered by evidence at the Bar in thirty cases which had been gone into. Here, then, were men against whom no charge was proved. On what principle ought they to be deprived of their chartered rights and franchises? He was sure their Lordships would never sanction such injustice. There would be no difficulty in the plan he proposed. It was the common practice when the Crown granted a charter to a Municipal Corporation, that the first aldermen should be named in it as a matter of grace and favour In the present case, if the numbers marked in the Bill as the town council should correspond with the present numbers in Corporations, there the number of aldermen might be allowed to remain if they formed only one-fourth of the whole; but if they exceeded that number, they might be reduced; or if they were below it, the number could be easily increased. He had thus opened the nature of his Amendment, but he would defer putting it in the exact words until he came to the Clause at which it was to be inserted.

Lord *Brougham* agreed with his noble Friend, that the particular form of words—the shape of the proposition, which brought them to discuss the vote upon this question, was a matter of mighty little importance, because the question itself in its substance, in the aspect with which it saluted the friends of the Bill, in its bearing upon the whole of the measure—in its tendency to the success, and to the working of this Bill, appeared to him to be of unspeakable importance. He did not think it was possible by any language to exaggerate the effects of this alteration. Well might his noble and learned Friend preface his observations in answer to the remarks of the noble Duke behind him, by stating that hitherto the alterations he had introduced had made no inroad upon the principle of the Bill. Inroads, like everything else, were comparative, and that which brought the invader three days' march within the frontiers of the invaded country, was no inroad at all compared with that which brought his force into the heart of the country, and gave him possession of the capital, and of the citadel itself. He called those former Amendments inroads the other night, because they infringed upon the integrity of the measure —because they no longer left the measure pure, free, and in its original aspect. He called them inroads, as he should speak of a three-days' march of an enemy within the territories of the country. To that extent, he should say, that that country was not free; and he should call upon it to arouse its energies, for the purpose of expelling the invader. But if afterwards, in its progress, that invading force should have devastated and depopulated the land, and have planted its standard in the very heart of the capital itself, he should then look back at the three days' march as no inroad at all, and should wish to heaven that that was the only calamity that had befallen the country. So now, notwithstanding the feelings he had experienced on the Amendments introduced last Thursday and Friday—notwithstanding the pangs he felt at seeing this measure shorn of its fair proportions—notwithstanding those alterations which they had been told was only the working out of the principles of this Bill—especially the introduction of that notable Amendment which was then introduced, for the first time, in the legislative history of this country—the principle, that not only was wealth the measure and standard of a man's qualification to do anything, but that unless he was not only rich, but of the richest class—not only possessed of a minimum of wealth, but of a maximum—unless he belonged to the best, to the richest, to the aristocratic, to the oligarchical class of the Corporation—he should not be eligible to manage any of the affairs of his fellow-citizens! This, too, was called only working out a little further the qualification which the Bill of his noble Friend (Viscount Melbourne) proposed, namely — that persons paying threepence or sixpence towards the poor-rates should be qualified to act as burgesses. He presumed that few persons who regarded the original qualification in the Bill were quite prepared to see this other qualification grafted upon it; and which had grafted at the same time, he would venture to say, one of the most poisonous, one of the most alien, one of the most hostile, one of the most inevitable and irreconcileable blemishes upon the tree of the British Constitution. But, bad as that was—bad as he thought it as an inroad upon this measure, yet now, after having heard his noble and learned Friend's present proposition, he looked back upon that inroad with a sort of envy and regret—a regret that the time of Thursday and Friday, when that was the only alteration and mutilation of the Bill, should have been lost in discussing it. "Do not let us shut our eyes to the fact, or disguise it from ourselves," said the noble and learned Lord —the Bill is gone [*loud cheers*]—the Bill is gone if this principle is introduced." I know your Lordships will say, "So much the better."—[*Not at all.*]—Not at all! Perhaps not at all to my noble Friend; but, my noble Friend, are not all your Lordships on the other side. There are other noble Lords to whom, peradventure I might have referred myself. I believe that a considerable majority of your Lordships will be prepared to answer—"So much the better that the Bill should be lost;" for when so many of you entered into the Committee of this Bill, with an avowed, a recognised, and openly pronounced hostility to its principle, and when I know that others of you were with the utmost difficulty restrained from throwing it out on the second reading altogether, God wot we had little to expect from going into this Committee, except that of a slower death, and after the endurance of extensive mutilation. For after the lopping off first a twig, in order to try the operation, then a branch, to see how it would take elsewhere, you next severed the bough, and then you attacked the trunk of the tree itself; while now, to-night, my learned Friend comes and lays the axe at the root." The noble and learned Lord proceeded to say, that their Lorships had fulfilled all the worst anticipations he had formed. Their Lordships would recollect, that on the motion for going into Committee, he stated that he saw no good to result from it; and that the only question was between those who voted conscientiously and openly against the Bill—like the noble Duke (Newcastle), who, in his straightforward course, was for throwing it out at once—and those who adopted another course not so intelligible, and he must say a more tortuous one—that of going into Committee to consider the details, when they were against the whole and every part of the measure. He thought, therefore, he had a right to say, that his anticipations were not chimerical, or altogether groundless. But now it was his duty, painful as was the task, and hopeless as it was likely to be, but which he undertook for the sake of discharging his conscience, and his duty to the country, to enter a little into the arguments, and advert to the various constitutional points which his noble and learned Friend had advanced. His noble and learned Friend had gone back to the very origin of a representative Government. He had carried them back to the period of the French Revolution—a period which he appeared to love to dwell upon, as being the one when he entered into political life, as all men liked to look back upon their earlier days. He (Lord Brougham) would not go so far back, but he thought he could go quite far enough to meet the argument of his noble and learned Friend. His noble and learned Friend had said, that the great evil of the democratic branch of the Constitution was its fluctuating nature, its love of injustice, or at least that proneness to injustice which it was said to be disposed towards; and it was imagined that these defects of the democratic branch were to be remedied by way of counter-agents, existing in the representative principle; but that the representative principle was only carried out upon the ground of him that was chosen by anybody being held to be—holding himself to be—and demeaning himself as if he really felt he was—not the deputy acting under the instructions of his constituents, but the party chosen to consult for the good of the whole, and exercising therein a free, independent, and unbiassed judgment. Having stated what he thought to be the representative principle, his noble and learned Friend went on to say that that principle, in these our times, had suffered a complete change, for that the representatives now no longer held themselves to be at liberty to exercise their own free and unfettered judgments, but that they all acted under pledges, and were fettered by the instructions of their constituents. "I am yet to learn (said Lord Brougham) that that is now the duty of a representative. I have yet to learn that that is held by the representatives of the present day to be their duty. I know, on the contrary, that the Members of the other House of Parliament who, I suppose, will be admitted to be the representatives of the people in a certain sense, though not in the sense in which my noble and learned Friend regarded the rotten borough Parliaments of 1788, 1789, and 1790, when the Members were the representatives either of the borough patrons or the borough Corporations, or the money paid by the Members themselves; but I say I know that the Members of the present House of Commons act upon a very different principle from that described by my noble and learned Friend. You may here and there find instances of men pledging themselves, and refusing to exercise that liberty which a representative, in order to do his duty faithfully or honourably to himself, or usefully to his country, must exercise. I give that as my opinion. I have always held that opinion. A near connection of mine sacrificed his seat in Parliament because he would not submit to pledges, nor submit to be fettered in the free exercise of his judgment; and yet that individual to whom I am adverting, so far from differing from his former constituents, agreed with them on every important political question on which he could possibly be called upon to give a pledge." He maintained that the instances in which pledges had been tendered and agreed to, formed the exception, and not the rule. He rejected, therefore, at once, entirely, and without qualification, the proposition that the representatives of the people in Parliament, under the Reform Bill, had changed their character or lowered their tone. Before he left this part of the subject, there were one or two other observations he wished to make. According to his noble and learned Friend, the fetters now imposed upon Members of Parliament, in the shape of pledges to their constituents, were a novel invention, until this time wholly unheard of and unknown. Before the year 1832 there was no such thing as a pledge, no such thing as a fetter imposed upon the free will of the representative—the House of Commons was composed of nothing but honest, upright, intelligent, statesmanlike men—men freely elected, freely executing the mission for which they were sent to Parliament, who regarded nothing but the common weal, were careful of nothing but the common interest, and represented not the noble Duke, or Earl, or Baron, who gave them their seats, but the interests of England at large. There was no understanding between the nominee and the representative, as to the votes that were to be given on certain questions—no little carving out from the wide realm of senatorial liberty, some small corners on which the nominee was not to set his unhallowed foot—no little piece of ground over which the sole of his foot was never to pass—above all, there was no such thing as a representative, who was told how he was to vote, not on one occasion, or on two occasions, but on all great questions for a whole Session—no such thing as a man going to a certain house day by day to be told how he was to vote, under penalty of being compelled to accept the not very enviable, and seldom sought for office of steward of the Chiltern Hundreds—no such things as these were ever heard of before 1832, that fatal year of Reform, which forged the chains of the representative body, abolished their discretion, left them no longer to exercise the uncontrolled power of consulting the public good, but bound everlastingly to the will of somewhere about 300,000 constituents, a body of men who never in the history of Parliament had been bound before, except by their own notions of what was right and proper for the general welfare. Before that fatal period there was no such thing as a Peer returning eleven or twelve Members to the House of Commons, and never for a moment trusting them out of his sight;—he, being jealous and capricious in his own proper nature, and a great martinet in the evolutions he made his men perform—not trusting them for half an hour together, but regularly taking his place under the gallery of the House of Commons — directing them according to the course the Debate might take, to make now a flank movement to the left—anon, an *echallon* movement in the opposite direction—half to go one way, half another way; and finally, perhaps, both halves to leave the House altogether, and, in the emphatic phrase of those times, to go down in a body to shoot larks at Dunstable. "I say this," said the noble and learned Lord, turning round, "with the greatest respect to my noble Friend (the Duke of Cleveland) who sits behind me. Ah, now you think you have got the best jest of the evening—you think it is my noble friend I have all along been alluding to. But you are mistaken: I was not alluding to my noble Friend; but to one widely differing from him—a noble predecessor of his, it is true, but one with whom my noble Friend has no two characteristics in common." The noble and learned Lord proceeded to observe, that it was a little too much then for his noble and learned Friend (Lord Lyndhurst) to refer to the year 1832, as the period at which this total change in the feelings and conduct of the representatives had been introduced —as if no such thing as a bond or fetter had ever been imposed upon them before. He entirely agreed with his noble and learned Friend, as to what the duties of a representative were, and he believed those duties were as well, as honestly, and as honourably performed now, that the Members of the House of Commons had thousands of constituents to represent, as they were when they were sent up as the nominees of the old proprietors of boroughs. Yet the whole of his noble and learned Friend's proposition was grounded on the assumption that men popularly elected were the mere puppets or tools of those who choose them, and not the real representatives of the interests of the country. That was the only ground on which his noble and learned Friend rested his proposition; and it was because he (Lord Brougham) thought it unfounded in fact, because he thought, that the popularly elected, might safely be trusted to represent the interests of those who chose them, that he should give to that proposition his decided and most unqualified opposition. If, indeed, his noble and learned Friend's proposition were once admitted, it would go at once to abolish the representative principle in the other House of Parliament. He could not conceive an argument which applied to the election of Representatives of Municipal interests, which would not with the same force be applicable to the election of the Representatives who sat in Parliament. He was satisfied, that the people of this country might safely be trusted with the management of their own affairs. If he thought otherwise, he would never, for one moment, stand forward as the advocate of such a measure as that they had then before them. His noble and learned Friend, alluding to a Bill which he had introduced into that House two years ago, and in which it was proposed that men once chosen Aldermen should be Aldermen for life, expressed great surprise and astonishment to find that he (Lord Brougham) would not on this occasion come forward to second his proposition for making at least a portion of the Town Council Town councillors for life. In the first place his noble and learned Friend should recollect, that there was a wide difference between the functions to be performed by Town-councillors, and those to be performed by Aldermen. Town-councillors were chosen simply to defend the interests of the borough, and to watch over the expenditure of the borough funds. Aldermen, on the other hand, were not the taxers—not the guardians of the common purse, but were filling a judicial situation, and assisting in the administration of justice. Because the Alderman was elected for life, therefore, it by no means followed, that the Town Councillor should hold the office for the like period. But his noble and learned Friend had no right to endeavour to bind him to the letter of the Bill of 1833, because that measure was, in fact, nothing more than a sketch. It was not brought forward as a perfect measure, but merely as a skeleton, which should lie on the Table of the House until further inquiry and greater experience should teach them how, in the best manner, to fill up its different parts. He was pledged to nothing that that Bill contained. But, even supposing that he had expressly declared at the time, that such or such a provision was necessary, if, subsequently, a more minute examination of the subject taught him to believe, that his former opinion was erroneous, he would rather (though even at the eleventh hour) do what he conceived to be right, and let fools say, " why do you so ? " than obstinately adhere to an opinion which he found to be wrong, and induce wise men to pity him. In the next place his noble and learned Friend stated, that the Scotch Commissioners, after instituting an inquiry into the subject, found that the Scotch Corporation Reform Bill did not work well. This his noble and learned Friend asserted upon the strength of a letter he had received from a high authority in that part of the country; but surely his noble and learned Friend must have forgotten that a petition in favour of the Bill, signed by 30,000 persons, had been sent up from Glasgow. He would place that petition against the letter alluded to by his noble and learned Friend. Besides he (Lord Brougham) had had a very extensive communication with Scotland upon the subject, and up to this moment he had never heard one syllable or whisper of complaint against the measure. With respect to the exercise of Church patronage, he must say, that he thought his noble and learned Friend's fears upon that point were wholly groundless. How was that patronage to be exercised, except by the governing body of the Corporations, and who would say, that a governing body, freely elected, would not exercise it as honestly and properly as those which were self-elected? With respect to the administration of the funds of charitable estates, he was disposed to admit, that when the governing body was popularly chosen, and no check imposed on the qualification of the constituency, there might be a reason for having an effective check; and he had no objection, that a control should be provided much more effectual than that which the Court of Chancery at present provided. As to the general proposition of his noble and learned Friend, that one-fourth of the representative body should be chosen for life, he must say, that he could not command language strong enough to express, not only his opposition, but his utter aversion and disgust of it. If it were once acceded to, it would open the door to all the worst evils of the existing system. He looked upon this Bill as in their Lordships' hands for its salvation or destruction. By the alterations already made, it was all but destroyed. The Amendment before their Lordships, if carried, would, he feared, be utterly fatal to the measure. He regarded the Amendment itself as utterly inconsistent with the principle of the measure into which it was proposed to introduce it, and tending in practice to render it nugatory. By foisting in Aldermen for life, the self-elective principle completely overlaid every other, and was calculated in the working of the measure, and in the fulness of time to restore every borough to its state of pristine rottenness. The vigour and purity of principle which, in other respects, would be introduced into the government of Corporations by the measure, would be paralysed by the baneful self-elective provision. If their Lordships should adopt the Amendment of his noble and learned Friend, they would send forth a mockery, a mere shadow under the pretence of the substance of Reformation, tainting the whole mass with rottenness, and disappointing, wofully disappointing, the universal, the sanguine, the ardent, and unquestionably the just expectations of the people of England.

Lord *Wharncliffe* expressed the greatest surprise that so little of argument had been brought to bear in opposition to the amendment; but that surprise underwent considerable abatement when he recollected that the noble and learned Lord was himself the author of a bill which contained a provision similar to that of which he was now so strenuous an opponent. True it was, that not very long since, the noble and learned Lord had said, that he greatly doubted at the time the expediency of introducing that provision. But it was somewhat remarkable, on referring to the reported proceedings of what took place in reference to that Bill, that the noble and learned Lord was found to say that it had been carefully and maturely considered by all his colleagues, and had obtained their full and unanimous concurrence. If he looked through the whole of the Report of the Commissioners, he could not find a single recommendation to sanction the length to which the Clause went; and the more he considered the leading features of the measure, the more he felt convinced that it went beyond the recommendation of the Report. The more he considered the vast power which the council would have, the more he felt the necessity for some such enactment as that which the Amendment would introduce. The more he considered the democratic influence which the Bill would increase. The more was it apparent to him that some of the council ought, by some life appointments, to be rendered independent of the people. The House of Commons was subject to the check of the House of Lords, and also to that of the Crown, but was the Town-Council of a borough to be subject to no sort of check whatever? To him it appeared that the apprehensions of this change rendering the borough close was perfectly idle; one-third of the council would go out annually, and that, he had no difficulty in saying, would prove an abundant protection against any abuse of the power with which they might be invested. He totally differed from the noble and learned Lord as to the amendment being inconsistent with the spirit of the measure; for it was his full conviction that it would tend to make the Bill work well, and he hoped it might be adopted, if it were only for the sake of forming an exception to the general character of recent measures which, for the most part, sacrificed one class or other with the vain hope of giving satisfaction to those whom nothing could satisfy. Their Lordships, he trusted, would not lose sight of this consideration, that those common councils in their present form, or rather that which was proposed under the Bill, would be used as political engines; their petitions to either House of Parliament would, by all persons whose views they supported, be treated as expressing the sentiments of the inhabitants of that town to which they belonged, and thus a novel and hitherto unknown power would be brought to work in the British constitution. In supporting the Amendment, he begged it to be understood that they, on that side of the House, were by no means unwilling to concede the principle of the Bill—they not only conceded that principle, but were ready to admit that the time had arrived when popular opinion ought to acquire increased weight in all municipal corporations, but at the same time their Lordships ought on no account to neglect supporting the Amendment then under consideration for it was most important that they should make provision to guard the representative body in corporations from that complete dependence upon the constituency to which they would otherwise be reduced. He confessed he felt the more anxious with respect to the Amendment when he remembered the degree in which its adoption or rejection might affect the principle of aristocracy throughout the kingdom, for if it were determined that a body of aldermen or life members were unnecessary to a corporation, hereditary members in the House of Lords would be deemed equally unnecessary. The Clause as it stood went to the root of aristocracy, and went to the destruction of all that hitherto formed a check upon the democratical principle. For these reasons, he should support the Amendment, desiring that some portion of the council should be elected for life, and he conceived that the existing state of several corporations afforded facilities for this, when he recollected that many of the members were under the old charters appointed for life, and those might therefore be conveniently permitted to remain, unless it could be shown, which he did not at all anticipate, that their continuance could operate disadvantageously to the fair and reasonable claims of the popular interest.

Lord *Ellenborough* declared that he and his noble Friends near him were most anxious that a Bill of some description or another should pass to amend the present state of Corporations in all great towns. He found no fault with the governing bodies in the Corporations generally, but there existed defects in many of the charters, and that there existed a defect in the Royal power to amend by means of charters those evils which had unfortunately supervened in many boroughs; it, therefore, he thought, became necessary to pass an Act of Parliament which should give a good and quiet government to all large towns, and he was sure the noble Viscount, whatever might be the wishes of some of his supporters, had no other object than to give a quiet and peaceable and tranquil government to every borough in the kingdom. The same, then, was the object aimed at by the Amendment of his noble and learned Friend. There were 185 boroughs to which it was proposed to give the benefits of a new system; he was himself by no means a believer in all those strong, and, as he considered them, exaggerated representations respecting excitement out of doors, with which the deliberations of Parliament had been attempted to be influenced; but there was no denying this—that the introduction of a system so entirely new could not fail to be attended, however cautiously managed, with some degree of popular excitement, and the necessary consequence must be, that a different class of persons would be returned to the Common Council from those whose elections might be anticipated in ordinary and more tranquil circumstances; the House would therefore see the necessity, during the earlier operation of the Measure, to introduce into the Common Councils of the several boroughs some members elected for life, in order to counteract the turbulence possibly inseparable from the mere novelty of the system which they had called into existence. In dealing with a measure like that, their Lordships should remember that those who composed the old Corporations had not been proved to be guilty; that the chief fault of the governing body was, that they had not been elected by the people; that if they had been so elected, there was no doubt that they would conduct the affairs of those boroughs with great effect, and with great satisfaction to the public. It was also extremely probable—nay, almost certain, if the people were called upon to exercise their unbiassed choice, free from the influence of that excitement to which he had just been alluding, they would elect those very men who were now in possession of Corporate power, for they would in most cases, where not unduly influenced, select persons of property and character. It followed thence that the Legislature now declaring that there ought to be some life members taken from amongst the old governing body was only doing that which the people would be disposed to do for themselves if left to the calm and deliberate exercise of an unbiassed choice. Let Parliament then do nothing to humiliate any set of men unnecessarily, but rather endeavour to do that which should have the effect of inducing all classes to co-operate in obtaining for all great towns the benefit of a happy and social system of Municipal government. Looking, as they and his Majesty's Ministers ought, to the permanent and not the temporary effect of such a measure, he conjured them to give to the Amendment their most serious and most favourable consideration.

Viscount *Melbourne* began by observing, that his noble and learned Friend (Lord Brougham) had so ably and so fully discussed the subject under consideration, that he (Lord Melbourne) had but little left to say upon it. After the fullest consideration that he could give to the Amendment of the noble and learned Lord, he was bound to declare that he could not regard it but as seriously injurious, if not entirely fatal, to the Bill. The Amendment would divest it of that character of popularity which was its best recommendation to the country. It was calculated to impede the march of the Measure, and clog every object which the framers of it had in view. What these objects were had been already well described to their Lordships, and also the manner in which they would be interfered with by the anomalous provision which it was the purport of the noble and learned Lord's Amendment to introduce. He could not help remarking that there was a singular discrepancy between the arguments of the two noble Lords who had last spoken, and the noble and learned Lord who was the author of the Amendment. The noble and learned Lord had spoken in a spirit of the utmost hostility against the Bill, describing in the most glowing colours the degradation of all those principles of the representative system which were most cherished in the days of his youth in favour of more democratic and dangerous sentiments, treating the Bill before their Lordships as the offspring of the change. The whole force of his argument lay in pointing out the dangers of the times at which they had arrived, when it became necessary to give way to the prejudices and submit to the wildest fancies and caprices of the governed. The present Bill he professed to regard as an emanation from this altered spirit of the times. The hostility of the noble and learned Lord to the Bill, and to all the principles upon which it was founded, was conspicuous in every argument and sentiment of his speech. He stigmatized the Measure as one brought forward with the most reckless haste, crude, and inconsiderate in its provisions. Now, if the noble and learned Lord believed all this of the Measure, he ought to have moved its rejection altogether. Other noble Lords, however, and especially the two who had just spoken, although supporting the Amendment, were clearly sensible of the necessity of passing some such a measure as the present. But if they were sincere in their advocacy of the Measure, how came it that all the Amendments upon the Bill were drawn up by the unfriendly hand of the noble and learned Lord? The noble and learned Lord's Amendments of course went to the root and foundation of the Measure. The Bill itself proposed that the governing bodies should be purely elective. The Amendment proposed the introduction of a certain number of members for life. Was not this a complete anomaly? History, he knew, would furnish a precedent for almost everything; but for such a proposition it offered no example.

Lord *Lyndhurst* observed that the Corporation of the City of London was a case in point: the Aldermen were elected for life, the Common Councilmen were not.

Viscount *Melbourne* said, that the Courts of Aldermen and Common Council were separate courts; his observation applied to the proposal to constitute one body—partly of annually elective, and partly of members for life. The effect of maintaining the existing Aldermen must be to stamp the new system with the unpopularity of the old. Considering that they were making a great change in the Municipal government of all these towns—it did not appear to him, undoubtedly, any injustice to remove these persons from the situations they occupied at present, to which situations, in all probability, if they deserved it, they would be again elected. At the same time he thought that they would deprive the Bill of a great portion of its advantage and its grace, if they forced upon these towns reluctantly, and by force of law, individuals whom they would not otherwise have chosen. For these reasons he should oppose the Amendments of the noble and learned Lord.

The Duke of *Wellington* said, that the noble Viscount was much mistaken if he supposed that there was a difference of opinion on these Amendments between the noble Lords on his side of the House and his noble Friend by whom they were proposed. His noble and learned Friend brought them forward as an able and experienced member of the learned profession—as a person distinguished for his eloquence, and, therefore, most fit to propose these Amendments, and to induce their Lordships to adopt them. But it was an error to suppose that there existed any difference of opinion between them upon these points. He must say that it would have been most desirable had Government proposed a measure of Corporate reform upon a different principle and with provisions different from the present. He admitted that reform in their Municipal institutions had become necessary. He had anxiously reflected upon the subject, and the conclusion to which he had come was, that it would be impossible to provide such a Bill as would include every reform that might be desirable. The noble Viscount referred to the constitution of the House of Commons, but in point of fact the councils under this Bill were more democratical than any other assembly known to the country, for they were put in possession of all the patronage, and had the disposal of all the revenues of the Corporations. The members of the Council, under such circumstances, and with such inducements, must naturally feel a desire to be re-elected; and what must be the natural consequence? Why, that they would be induced to use their patronage to that end. It was true their period of action was short; but their power, within its limited time of action, was greater than that of any other assembly in the world. In the first place they might declare acts to be nuisances and offences, though they were not so by the law of the land; they might impose rates to any amount, and incur any expense they pleased, provided they considered it of benefit to the Corporation. There were bodies now acting in various trusts, but in every one of them there was some limitation to the sums to be raised. Here there was no limitation, the only provision being that the sum to be raised should be for the uses of the borough. It was said that the provision now proposed, which allowed some Corporate officers to retain their situations for life, would take away the grace of the Act. There was, however, the Corporation of London, and other Corporations, in which there was a body—the Aldermen—who retained their situations for life. There was an instance of this kind in that very House of Parliament. Their Lordships must recollect that they had to provide, in a measure of this kind, not only for the liberties and for the good government of the people, but there was in many cases large property to be administered. To qualify the Members of Council for such administration, they ought to have property themselves, they ought to be men from whose education and station in life a proper and judicious administration was most naturally to be expected. He was disposed to go further, but it was impossible to do so from the principle of the Bill. There were some Corporations in which there were duties that must be performed by the Mayor, one instance of which came under his own notice. There were trusts in the town of Oxford to which the Mayor of the town must make the appointment. The Mayor and Aldermen of Coventry had the disposal of certain property to which, in point of fact, they had as much right as he had to his. How were they to be dispossessed? He did not see how it was possible to pass over the claims of those Aldermen who held for life. He was desirous to make the Bill as perfect as possible, consistently with justice.

Lord *Lyndhurst* said, in explanation, that the Council of London were elected from year to year, but the Aldermen, who constituted part of it, were for life. So much were they a part of it, that the Council could not proceed to business unless the Lord Mayor and two Aldermen were present.

Their Lordships divided on the Amendment. Contents 126, Not-contents, 39; Majority 87.

Amendment agreed to.

The other Clauses up to the 34th were agreed to, and the House resumed. Committee to sit again.

List of the Not Contents,
Who voted against the Amendment of Lord Lyndhurst.

Auckland
Lansdowne
Melbourne
Holland
Lichfield
Grafton
Cleveland
Richmond
Northampton
Queensberry
Conyngham
Westminster
Gardiner
Barham
Albemarle
Headfort
Brougham and Vaux
Templemore
Poltimore
Radnor
Charlemont
Mostyn
Leitrim
Segrave
Errol
Scarborough
Strafford
Howard of Effingham
Plunkett
Hatherton
Thanet
Minto
Teynham
Torrington
Saye and Sele
Ducie
Bishop of Chichester
Bishop of Hereford
Bishop of Bristol

HOUSE OF COMMONS,
Monday, August 17, 1835.

Minutes.] Bills. Read a second time:—Certiorari; Special Constables; Clerk of the Crown.—Read a third time:—Hull Merchant Seamen; Hereditary Revenues (Scotland).—Read a first time:—Exchequer Bills; Police (Dublin); Consolidated Fund; St. Margaret's Rectory; Glass Duties Repeal; Legacy Duties; Larceny (Ireland).

Petitions presented. By Mr. Hume, from St. Andrew's, Holborn, against the Vexatious Manner of Collecting Tithe in that Parish.

Medical Regulations.] Mr. *Warburton* presented a Petition from forty-eight Licentiates of the College of Physicians against the revised code of bye laws promulgated by the College, which the petitioners described as containing restrictions not only unjust but illegal. The hon. Member in supporting the petition said, that though he did not mean to deny that the new code was an improvement in some important parts upon the existing bye laws, yet the restrictions which it continued upon the admissions to fellowships were not only most illiberal, but were altogether unwarranted by law. At present the Fellows must be either persons educated at one of our two Universities, or persons especially recommended by the President of the College. The new code preserved this narrow principle of election, or rather exclusion; and it was for this reason that the petitioners disapproved of it. The charter of the College, given it by Henry 8th, did not provide any manner by which the College should perpetuate itself. It merely appointed as Fellows certain persons, and all the members of the profession then practising in London; but no rule of perpetuation was laid down. The Medical Committee, of which he (Mr. Warburton) had had the honour to be chairman, had carefully examined, on these points, a gentleman (Mr. Wilcox) who had made the subject of medical jurisprudence the peculiar object of his studies. This gentleman stated his unqualified opinion, that the charter of Henry 8th having laid down no such rule for perpetuating this corporation, the College had no legal right to establish the restrictions complained of, but were bound to examine licentiates and judge of their claims to admission by their actual qualifications, and not with reference to the place where they had been educated.

Mr. *Wakley* supported the petition.

After what had been so ably stated by the hon. Member for Bridport, he should content himself with declaring his full conviction, founded upon long experience and examination of the subject, that the College of Physicians, so far from having promoted the utility or honour of medicine, or raised the character of its professors, had been ever since its incorporation, a mischievous incubus. He trusted that the hon. Member for Bridport, who had already done so much on this important subject, would so occupy the leisure of the recess as to be able, immediately on the opening of the next Session, to bring forward a measure founded on the Report of the Medical Committee, putting the profession on an entirely new footing.

Mr. *Warburton* said, that he should before this have brought forward such a measure as that proposed by the hon. Member, but for two interruptions. First, the burning of the House, which involved the destruction of nearly two-thirds of the printed evidence of the Committee, which had consequently again to be written out from the short-hand notes, and printed; and secondly, the breaking up of the Ministry. He trusted, however, that in the beginning of next Session, he should be able to fulfil the hon. Member's wishes.

Petition laid on the Table.

PLYMOUTH — CONTRACT FOR STONE.] Mr. *Warburton* rose to present a Petition from Mr. Silas Pearse, of Plymouth, complaining of the conduct of some members of the late Board of Admiralty. The petitioner stated that a contract for 30,000 cubic feet of limestone for the purposes of the Plymouth Breakwater, having been advertised for by the Board of Admiralty, he tendered the same at the rate of 7*d.* a cubic foot; but that the tender of another party, Mr. Scott, was accepted, although the latter tender was actually 8¼*d.* a cubic foot, being not less than 1¼*d.* a cubic foot higher than the tender made by the petitioner. The petitioner further stated that this alleged act of public and private injustice did not end here, for that the extent of the contract granted to Mr. Scott was not for less than 60,000 feet of limestone, although no more than 30,000 feet was advertised for. There was this circumstance too, connected with the doubling the contract, which marked the character of the whole affair—namely, that Mr. Scott made an application for it before any public notice had been given of the Admiralty's intention to have 60,000 instead of 30,000 feet of stone provided, The source of this early knowledge, the petitioner stated, might be guessed at from the fact that Mr. Scott was frequently seen walking arm-in-arm with Captain Ross, the officer charged with making the contract. The first contract was accepted in January. Seven days after the dissolution of the Ministry, upon its appearing likely that some inquiry would be made on the subject, Mr. Scott wrote to the new Board of Admiralty, to the effect that "Though he had agreed with Captain Ross for 8¾*d.* a cubic foot, he was willing, lest blame might otherwise be imputed, to to take the whole 60,000 feet at 8*d.*" Under such circumstances as these had a gross injustice been done, not only to a most respectable and responsible individual, but to the public. "What could be the motive of such an extraordinary course of conduct in the parties complained of?" was the next question. The answer to it in no respect improved the character of the affair. The fact was, that Mr. Scott had been an active canvasser, at the last general election, for Sir George Cockburn, who was the brother-in-law of Captain Ross, and for Mr. Dawson the then Secretary of the Admiralty. As the conduct complained of was wholly irreconcileable with public duty, a private motive for the proceedings of Captain Ross must be sought, and here was a very intelligible one. The high respectability and property of Mr. Pearse was put beyond a doubt, by the testimony of the two Members for Plymouth; and in addition to his own responsibility, Mr. Pearse had offered to give unexceptionable security. He must express a hope that the noble Lord opposite, a Member of the late Board of Admiralty, would be able, in the absence of Mr. Dawson, to explain this affair satisfactorily. His own opinion was, that the case was one which ought to be investigated by a select Committee; and though it was late in the Session, as the documents connected with it were all ready at hand, the inquiry might be gone through in the course of a few hours.

Lord *Ashley* had to thank the hon. Member for his courtesy in advertising him of the presentation of the petition, as he had thereby been enabled to communicate on the subject with Mr. Dawson, who was in Ireland. As, however, he had been ignorant of the details of the case, as now brought forward by the hon. Member, his communication with Mr. Dawson was necessarily of a limited nature. As for himself he could only say, that neither had the peculiar department in question been under his control, nor, if it had was he in a condition to judge of the details of every case, beyond what he knew of them from the documents laid before him. One of the petitioner's complaints was, that Mr. Scott had early information of the extended contract, as was stated, from Captain Ross; but, supposing the former portion of his complaint to be correct, it did not by any means follow that the information came from Captain Ross; for it was quite easy for Mr. Scott to have had a communication from Mr. Stewart, the superintendent of the works at the Breakwater, who of course knew what the extent of the contract was to be. In reference to the complaint that Captain Ross had received tenders after the hour appointed for not receiving them, though it was true that Captain Ross had received tenders after that hour, twelve o'clock, he had received none after the opening of the first tender. It was true, also, that the first contract taken was at 8¾*d.* the cubic foot, but the difference between this and Mr. Pearse's tender was not so great as had been represented. He had been that morning with Mr. Taylor, the civil engineer, upon whose calculation the statement made by the hon. Member was founded; and that gentleman now stated that the calculation by which he had estimated Mr. Pearse's tender, as at 7*d.* a cubic foot, was a mistake, owing to his having supposed the ton of lime-stone to contain fifteen, instead of the real quantity, thirteen cubic feet. The result of a correction of this error was, that Mr. Pearse's tender, instead of being 7*d.*, was 7¾*d.* a cubic foot. Throughout the whole affair, however, the full understanding on the part of the Admiralty was that Mr. Scott's contract was for 8*d.*, and this was the understanding on which they had directed Captain Ross to grant Mr. Scott the further contract of 30,000 feet of stone, "on the same terms as before." Mr. Dawson, however, would probably have enabled him (Lord Ashley) to explain the case more circumstantially, but, as he had before said, he had only been in a position to put the simple question to that gentleman, "Why had not Mr. Pearse's contract been accepted?" and to this question Mr. Dawson had returned an answer, which he (Lord Ashley) would presently state to the House. But the difficulties in this case arose out of the circumstance that Mr. Scott had sent two tenders—one to Captain Ross, at 8¾*d.*, and the other to the Admiralty, at 8*d.*; and it did not appear that Captain Ross had communicated the tender made to him: the Admiralty thought that the contract had been made at the lowest price, viz., at 8*d.*; and when an additional quantity was wanted, it was not thought necessary to look out for another contractor. Why the contract of Mr. Pearse was not taken, was explained in the following passage of a letter which, as he before stated, he had received from Mr. Dawson:—"When the tenders came from Plymouth, a caution was sent with them, that Mr. Silas Pearse, who had had some previous dealings with Government offices, had not completed his undertakings, and was also represented to have been a bankrupt, was totally incapable of completing the contract, and was not a man to be dealt with. The Government had been so ill-treated and cheated in all its contracts regarding the Breakwater, that it was desirable, if possible, to treat with persons who could perform their engagements." When such a caution as that was received, he (Lord Ashley) did not think that the Government would have been justified in entering into a contract with Mr. Silas Pearse. Surely the hon. Member for Bridport would admit that the Government must have a regard to some other points in making contracts than the mere lowness of the tender. They must look to the punctuality of the contractor—to his character in business—to the quality of the material, and above all to his means of completing what he undertook. Having received the caution from Plymouth, it was impossible for Mr. Dawson to accept the tender of Mr. Pearse. He (Lord Ashley) had no more to say than to regret that the hon. Member had gone so far as to impute to the right hon. Secretary for the Admiralty, improper motives: he was most zealous in the public service, and anxious for the honour of the department to which he had belonged.

Sir *Edward Codrington* had received many letters from his constituents on the subject, and was desirous of saying a few words. He was surprised at what the noble Lord had ventured to say of Mr. Pearse's character without having any documents to support his assertion, and he appealed to the present Secretary to the Admiralty whether any such existed in that department. [Mr. *Charles Wood* was not aware of any.] On the contrary he had received from his constituents the highest character of Mr. Pearse. The noble Lord had striven, not very effectually to be sure, to show that one contract ought to have been taken instead of the other, and he had not been able to show that Mr. Pearse's offer was not the lowest; in the papers before the House it was stated that Mr. Scott's was the lowest offer, but the fact was otherwise. [Lord *Ashley*: It was the lowest received from any body whose offer ought to have been accepted.] That must depend upon the character of Mr. Pearse, of which some unfair representations seemed to have been made, in order to get him out of the competition. Could the noble Lord prove that Mr. Pearse's character was bad? He (Sir E. Codrington) believed that it was as good as that of Mr. Scott; and it was an additional reason for inquiry, that justice might be done to Mr. Pearse. It could not occupy much time, as the merits and demerits of the whole case could be seen at once. He begged to ask the present Secretary to the Admiralty who had put their initials to the two *Nota benes* in one of the papers; they were those of Mr. Taylor, the architect, but he believed they were not in fact affixed by him; they came in the middle of Mr. Taylor's calculations, but they were not his, and one of them purported to state that Mr. Scott, in his letter of the 18th of Feb., had made the lowest offer, viz., 8*d.* per foot. This, as was evident, was not the fact; and it was but justice to Mr. Taylor that it should be understood that the initials were not his, or at least that he had not placed them against the *Nota bene.* There was something extraordinary, if not suspicious in this circumstance, that although the tender for the first 30,000 feet of lime-stone was by advertisement, the second 30,000 feet was agreed for privately. If the proceeding had been public, he (Sir E. Codrington) had reason to know that the offer of Mr. Pearse would have been the same as for the first 30,000 feet; perhaps had he agreed to supply the whole 60,000 feet at once, his offer would have been as much lower as Mr. Scott's had been. He (Sir E. Codrington) also wished that a Committee should have an opportunity of seeing the letter from Mr. Scott to Mr. Dawson, as he supposed that such a communication existed. The whole case required close investigation, and minute sifting.

Mr. *Charles Wood* did not believe that the initials alluded to were those of Mr. Taylor, and agreed with the noble Lord that it was quite clear that the intention of the Admiralty was, that the contract should be for 30,000 feet of lime-stone, at 8*d.*; Captain Ross did not so understand it, and he made the contract at 8¾*d.* Mr. Scott's offer was not sent to the Admiralty in the regular form of a tender, but in a letter to Mr. Dawson, at the Admiralty.

Mr. *Warburton* said that the explanation of the noble Lord was most unsatisfactory, and he would move for a Committee on the subject to-morrow.

Lord *John Russell* observed, that all seemed to turn upon the credit and character of Mr. Pearse, because he entirely agreed with the noble Lord that it might be extremely wrong in a Government office to take the lowest tender. It might be made by a person who had no means of fulfilling it, and injury would thus be done to the public service. If there were sufficient facts to establish that he was a person with whom no engagement should be made, the Admiralty would be justified in taking Mr. Scott's offer. Therefore, the whole question was a matter of character, and it might be fit to institute an inquiry.

Lord *Ebrington* bore a favourable testimony to Mr. Pearse's character.

Petition laid on the Table.

COMMUNICATION WITH THE EAST.] Mr. *Wallace* rose to ask a question of the President of the Board of Control on the interesting subject of the proposed communication with the East-Indies by the Red Sea or by the Euphrates. The East-India Company had agreed to take measures for establishing an intercourse by the Red Sea, but they had failed; and on Friday last the Directors had put up a notice, stating that the mails for April, May, June, and July, might not be carried forward to India. He did not impute blame to any quarter, because he was ignorant whether it was deserved; but he wished to press upon the Government, the East-India Company, and the Post-office, the propriety of taking immediate steps to forward the correspondence. He would take leave to say, that he much feared the attempt to establish a communication by the Euphrates would not succeed, but he had better hopes of the route by the Red Sea. It was a strange fact, that one hundred millions of the King's subjects had no direct communication with Europe.

Sir *John Hobhouse* would say a few words in answer to the hon. Member. The notice of the Court of Directors was given to prevent mistakes, which they feared would occur if it were delayed. The Chairman of the Court of Directors had proposed it, and he had concurred in it. As to a steam communication with India, he feared that there was too much reason for the fears expressed by the hon. Member. The East-India Company had not taken the steps expected from them for a direct communication from Suez to Bombay, by the Red Sea; but by private letters from Bombay it appeared that a steam-boat was to sail from thence to Suez on the 12th of July; but it had already twice attempted the passage, and had been obliged to put back. It was his duty to mention, that last week the Board with which he was connected, and the Directors of the East-India Company, had come to a determination to build two large steam-vessels to be placed on the Bombay station; but the real reason why more earnest steps had not been taken for this most useful purpose was a regard to the dilapidated finances of the Company. The object was, however, one of a national importance, and should receive every attention. The hon. Member had thrown out an opinion as to the failure of the route by the Euphrates. What might be the ultimate issue, he could not pretend to say; but he had his opinion, and the last advices were favourable. He had letters from Aleppo and Antioch, both of the 19th of June, stating that all difficulty had been removed as to the conveyance of stores, and that some of them had reached a place on the road, and that they were on the road across the mountains to Bere. But supposing this expedition to succeed, it would still be the duty of the King's Government to take steps for the regular navigation of the Red Sea. The House was, perhaps, aware that the south-west monsoons blow there for two or three months of the year with so much violence, that gentlemen whom he had seen were of opinion that no steam-boat, of whatever size and power, would be able to face them. He would assure the hon. Member that all possible attention should be paid to the subject, and the Admiralty had issued orders to the Rear-Admiral on the Malta station, to make a full investigation of the facilities in that quarter, and a report was shortly expected from him. He hoped he had given the hon. Member a full, if not in all respects a satisfactory answer.

OFFICE OF LORD CHANCELLOR.] Mr. *Lynch* could not allow the Session to close without asking Ministers whether they had come to any determination, and what, respecting the office of Lord Chancellor and his judicial duties.

Lord *John Russell*: I am obliged to the hon. Member, and to the House generally, for the indulgence it has shown with respect to this arduous question. Ministers have been, of course, unwilling to come to any decision which might be thought hasty or inconsiderate, and hence has arisen much delay; but I intend to propose in the next Session a measure, by which a permanent judge for the Court of Chancery will be appointed. I need not say that the question of the separation of the political and judicial functions of the Lord Chancellor requires to be examined with great care, and weighed with extreme nicety; it may be necessary to make a provision for an additional judge; but that and all other parts of the subject call for mature consideration.

COMMERCIAL RELATIONS WITH PRUSSIA.] Mr. *Robinson* had given notice that on the reading the Order of the Day he should call the attention of the House to the Commercial Confederation between the Kingdom of Prussia and other states of Germany; if, however, the bringing forward the subject was in the least degree inconvenient to the noble Lord, he would postpone it. He had already brought the subject under the attention of the House; but in consequence of what had taken place lately, he felt called upon, before the termination of the Session, once more to press the subject on the attention of the Government. The commercial arrangement to which he alluded did not extend merely to Prussia, but also obtained with regard to the other States of the North of Germany. He could not help feeling that the confederation to which he alluded was of the most extraordinary character, and was framed somewhat in a spirit of national hostility. He conceived the matter to be of considerable importance; and he, as a commercial man, should consider himself guilty of negligence if he did not call the attention of the House to it. Prussia, not satisfied with what she had already done, was endeavouring to induce other parties to join in this treaty, and since last year she had gained over the important State of Baden. It was difficult to point out the course Government should pursue under the circumstances of the case: but still the attention of the noble Lord, the Secretary for Foreign affairs, should be directed to the subject. Undoubtedly, every nation had a right to fix the duties on the importation of goods into its own territories, but the tariff of Prussia imposed such heavy duties on articles of British manufacture, as to amount to almost a prohibition. Not satisfied with imposing these heavy duties in her own territory, she had induced other countries to follow her example, and to equalise the duties on all goods imported into them. By this means there was one general system of Custom-house regulations throughout the North of Germany, and the same duties were paid in all the districts. Prussia also claimed the right of raising these duties to any height it pleased. He could not help feeling that in the course pursued Prussia was influenced by some political considerations. He was sure that the noble Lord could not be ignorant that Prussia, under the pretence of these regulations, might be aiming a blow at the interests of this country. He need not allude to the jealousy entertained by both Prussia and Russia at the intimate connexion existing between France, Spain, and Portugal, and this country. Those two powers were fully aware how dangerous it would be to make a hostile attack on this country or her allies, but they thought they could injure her by means of vexatious commercial regulations. It might be said that the superior energy and ingenuity of the people of this country would overcome all the difficulties thrown in her way: admitting this to be the case to a considerable extent, still the enforcement of such vexatious regulations must prove highly prejudicial to the commerce of England. The avowed object of Prussia was to force England to make a change in her corn laws and timber duties. If they succeeded in forcing us to alter the present state of the law on those subjects, it became a question as to what was the best and most advantageous arrangement with Prussia. If a change became necessary, the noble Lord should endeavour to make it conditional on an alteration of the tariff. All that he required was, that the Government should take such a course as would ensure equivalent advantages to this country with those which were likely to be obtained by other States. He was anxious to obtain from the noble Lord some explanation as to the course intended to be pursued by the Government. The hon. Gentleman concluded by proposing that a copy of the commercial treaty between Prussia and the other Confederate States of Germany be laid on the Table.

Viscount *Palmerston* did not intend to cast any blame on the hon. Gentleman for calling the attention of Parliament to the subject. It was natural, taking so warm an interest as he did in commercial affairs, and so deeply interested in them as he was, that he should be in some degree anxious on this subject. He could assure the hon. Gentleman that the Government had not been insensible to the proceedings of Prussia, but had anxiously looked to see how far the conduct of that State was likely to be prejudicial to the interests of this country. This, however, was not the first commercial union that had existed between the German States. Many years ago such a confederation existed between the northern States of Germany, and also one between the southern States. The system on which these Confederations were founded was, that there should be one system of Custom-house regulations for all the States. That was, that the goods which had paid duty on entering into one of these countries should not be charged with other duties on being taken into another of the States. They naturally adopted a system of this kind for the purpose of commercial convenience. He could not see that it followed from the mere existence of these confederations that it originated in a spirit of political hostility to this country, or even of commercial hostility. The country had no right on general principles to object to such unions of States. He repeated, England had no right to step out of the ordinary course of proceeding in consequence of the existence of these compacts between independent States. The hon. Gentleman said, that one of the objects of Prussia, in entering into this confederacy with other States, was to compel this country to alter and relax the prohibitory duties against foreign corn and timber. Whatever might be the motives of Prussia, this certainly could not operate on the other German States so as to induce them to join in the union, for they did not export corn or timber. He did not believe, that the present arrangement had been productive of any advantage to the manufacturers of Prussia. Possibly, however, the manufacturers of Saxony benefited by it; but Prussia, so far from being a gainer, was a considerable loser. With respect to the course to be adopted, he would only observe that matters were not sufficiently ripe to take any decided steps. He was at present unable to ascertain what was likely to be the effect of these arrangements on English commerce, or what steps it might be expedient to take. In all these matters, he need hardly say, that the promotion of what appeared to be the best interests of the country would be the guide he should pursue. He was satisfied that the strict adoption of the principle of reciprocity would be found to be the best course that could be pursued. With respect to the negotiations with Portugal, it was only necessary for him to observe, that the subject would occupy the anxious attention of his right hon. Friend the President of the Board of Trade and himself.

Mr. *George Young* recommended that negotiations should be opened with each country separately with regard to its trade. Those who expected that England would be made the workshop of the world by forcing free trade on other nations would find themselves egregiously deceived. He was glad that his hon. Friend had brought forward the subject; and must say, that the reply of the noble Lord had been any thing but satisfactory.

Sir *John R. Reid* entirely concurred with his hon. Friend the Member for Worcester in the view he had taken of the subject, and thought that it deserved the serious attention of the Legislature and the Government.

Mr. *Poulett Thomson* did not see, that because foreigners pursued an unwise system, we should persist in a system equally unwise. It appeared to him that it would be very inexpedient for this country to purchase its commodities at a dearer market, because the country in which they could be obtained cheaper would not adopt our more liberal principles of commerce; such a course as that must have the effect of weakening the resources of our own industry, and depriving us of the means of competing with other countries in the markets for manufactured articles.

The Motion was withdrawn.

Thames Tunnel.] Mr. *Walter* said, he wished to ask the right hon. Gentleman a question relative to a Motion of his which had stood upon the paper for several days past. What he desired to know was, whether the right hon. Gentleman would undertake that no further sum should be advanced by his Majesty's Government towards the Thames Tunnel undertaking till next Session. If the right hon. Gentleman would enter into such an understanding with him, he would defer his Motion till next Session; but if the right hon. Gentleman declined the arrangement he proposed, he should feel it to be his duty to make his Motion to-morrow, by way of Amendment upon the Motion for taking into consideration the Orders of the Day.

The *Chancellor of the Exchequer* said it was quite impossible for him to accede to what the hon. Gentleman had just proposed. To allow the circumstance of a Motion having been merely entered upon the order-book, there having been no discussion upon it by which the sense of the House could be arrived at, to interrupt the progress of the public business, would be to establish the principle that any Motion of which only notice had been given might interfere with the most important business of the country. He might engage to this extent—that due care should be taken that there should be no further grant without such a satisfactory report having been laid before him with regard to the expenditure which had taken place, as well as to the course which was to be pursued in future, as would enable him to justify whatever proceeding he might recommend. He was aware that this was a matter which required great consideration; the amount to be granted was a large sum of money; and the hon. Member might be sure that no one could have a stronger personal interest than himself in seeing that the money was not expended improperly, or that the grant was not made in a manner such as would not enable him to present to Parliament a satisfactory statement on the subject. He was prepared to say, with regard to the Motion, that he would be the last in the world to resist it, if it could be shown that there existed any ground for a Parliamentary inquiry. He was quite willing that any acts of his, or of the Government, should be made the subject of investigation; but if the Motion were only to inquire into the circumstances under which an Act of Parliament had been passed, that appeared to him not to be such an object as would warrant the House in granting an investigation.

Mr. *Walter*, on the Order of the Day being moved, would make his Motion.

Corporation Reform (Ireland).] Upon the Order of the Day for the third reading of the Municipal Corporations' (Ireland) Bill,

Mr. *Sinclair*: Sir, it is, perhaps, scarcely worth while to animadvert upon the tendency of this Measure, as it will be admitted both by its supporters and opponents, that there is no prospect of its becoming the law of the land during this Session, nor,—I trust,—in its present shape,—during any future Session of Parliament. It must pass through the ordeal of an assembly in which the laws of truth and justice will not be set at nought—an assembly, in which institutions and vested rights will not, without a careful investigation conducted under the auspices of its own Members, be invaded—an assembly, in which individuals holding responsible offices will not be condemned without a hearing. Sir, I object to the partial and vexatious inquiries conducted under the auspices of his Majesty's Government—inquiries in which they have appeared in two incompatible capacities—first, as the accusers of municipal authorities; and next, as appointing juries, under the name of Commissioners, without any power of challenge on the part of the accused, on the ground either of prejudice or incapacity. No one is more adverse than I am to the continuance of municipal abuses; but I strenuously object to a Measure, introduced at so late a period of the Session, for the mere purpose of acquiring power with the Roman Catholics, and with a perfect conviction in the minds of his Majesty's Ministers themselves, that the Bill cannot possibly become the law of the land. This Measure may be entitled "An Act to facilitate the restoration of Roman Catholic supremacy, and destroy the Protestant Establishment in Ireland, by transferring influence from property, which, in a preponderating ratio, is in the hands of Protestants, to Roman Catholics, who, in point of number, would in most cases, obtain the pre-eminence. This Bill might just as well contain a Clause enacting that the mayor and municipal officers of every Corporation in Ireland should march out with ropes about their necks, and lay the keys of their respective towns and cities at the feet of the hon. and learned Member for Dublin. In my opinion, no greater calamity can befal Ireland than the consolidation of Roman Catholic power, and I more especially protest against the ascendancy of my hon. and learned Friend, the Member for Dublin, which has increased, and is increasing, and ought, if possible, to be diminished. To any such results his Majesty's Ministers, and their adherents, appear to be wholly indifferent; or, may I not rather say, that they are most anxious to promote them? It seems to me that they have no objection to what they consider (and what I deny to be) a Liberal Government and a Protestant Establishment; but that their love of power and office would prompt them to prefer a Liberal Government and a Popish Establishment, to a Protestant Establishment and a Conservative Government. I wish to abstain from using any disrespectful or uncourteous language towards my hon. and learned Friend, the Member for Dublin. I have often regretted the personalities with which he has been from time to time assailed. I am far from participating in the obloquy which has, I think, most unjustly been cast upon him from various quarters, because he accepts from that portion of the Irish people whose views he advocates in this House, an indemnity for relinquishing the emoluments of that profession, in which he is perhaps without a rival, and certainly without a superior; nay, I will venture to add, that I should some times also have been glad to have seen him promoted to any high judicial office, the duties of which I am persuaded that he would have discharged with consummate talent and great integrity. I do firmly believe, that his motto would have been *cedant arma togæ*, or in other words, if he had assumed the judicial ermine, I am convinced that he would have laid aside the cuirass of political turmoil. But I am persuaded that it is the paramount duty of all those who are anxious to uphold the Protestant interest in Ireland,—or, I may add, in Great Britain,—to concur in resisting the machinations which he, and those who belong to his persuasion, are engaged in, for the purpose of subverting the Protestant Church in the Sister Island, and substituting a Popish Establishment in its room. This object would, I think, be greatly promoted by the provisions of the crude and crafty Measure which is now before the House, and against which I shall content myself with thus briefly protesting; because I know that all opposition would be utterly unavailing to any measure however anti-Protestant, or anti-national, which his Majesty's Ministers might think proper to introduce.

Mr. *O'Connell* remarked that there was in Scotland an hallucination of the mind that was called "second sight;" and it appeared to him that his hon. Friend was labouring under a delusion of that kind. The imagination of his hon. Friend ran away with his judgment; and his religious feelings were so excited—they were so Quixotic—that if he did not see giants in windmills, why he turned the windmills into giants. This Bill had seriously nothing to do with religion; creeds could not interfere with it; its object was one which every friend to the country must wish to see attained. It was to give to those who contributed to the support of a Corporation a right to have the regulation of their own affairs. Why the question of religion could be brought into such a subject he could not imagine. It really required a poetic imagination to mix up religion with such a question. The Bill was an admirable Bill for the present state of society in Ireland. It for the first time set aside every species of distinction, and gave to the people of Ireland practically the power to regulate their own concerns. That was the object of this Bill; and when his hon. Friend introduced the subject of religion into the discussion upon such a Bill, he would ask his hon. Friend if he attributed to the Protestant religion the abuses in the Corporations of Ireland. Why he would be the greatest enemy to the Protestant religion who would connect it with peculation, robbery, and the waste of public money. He defended Protestantism against such an imputation. This Bill would put an end to the monopolists—no matter what their religion might be. He had no apprehension that a qualification clause would be introduced into the Irish Bill; out of thirty members of one guild in Dublin, he was able to show that eighteen of them ought to be independent, for they had gone through the Insolvent Court. In Cork, upward of 70,000*l.*, collected from 120,000 of the King's subjects, were under the control of 300 members of a Corporation. He did not think that there was any Member of that House that should congratulate himself that corruption would find protection elsewhere, and that this would be done in any place where there was an affectation for protecting the rights of the poor. He did not suppose that such a place existed; but if it was so, then it ought to be hotter than it was at present.

Dr. *Baldwin* said, that it would appear from the observations of the hon. Member (Mr. Sinclair) as if that hon. Gentleman considered that the entire of the cities and counties in Ireland, as far as related to the Roman Catholic inhabitants, were under the influence of the hon. and learned Member for Dublin. Those who entertained such an opinion, knew nothing of Ireland, and were unacquainted with the intelligence of the people of that country. The hon. and learned Member for Dublin owed his influence to this—that the people sympathised with his efforts to redress the grievances of Ireland. Should that hon. and learned Gentleman go in opposition to the wishes or the interest of the people they would fling him off, and leave him to seek for influence and power elsewhere. With regard to the people of the city which he represented (Cork), both he and his colleague could state that the persons who would be qualified under the proposed measure were independent and intelligent men, and well calculated to undertake the direction of their own affairs. The towns and cities of Ireland were as well entitled to the privileges about to be conferred by this Bill as were those of England or Scotland, and no temporary opposition could check the call for, or impede the progress of, liberal institutions in that country. It was in vain to think of governing Ireland any longer by a party. She was resolved to obtain her rights by one mode or another, and it would be better to meet them by fair and just legislation. To shew the necessity of Corporation Reform in Ireland, he would conclude by observing that the whole power of the Corporation of Cork, was concentrated in a small body called the Friendly Club, which managed all the Corporate funds and appointed to all Corporate offices.

Mr. *Borthwick*;—The hon. Gentleman who has just sat down says that Ireland will have certain measures, either by fair or foul means, and desires the House to anticipate her wishes. Now this should not be the principle on which Government ought to proceed. The principle should be —what in justice ought Ireland to have, and what in justice ought to be denied to her? This having been inquired into and ascertained, let the motto be *fiat justitia ruat cœlum.*

Mr. *Sinclair* was not the advocate of Corporate abuses, on the contrary, he would endeavour to remedy them; but he did not think this was the proper mode of proceeding to do so.

Mr. *Kirk* objected to the third reading of the Bill, but at that advanced period of the Session he could not think of detaining the House by entering at length upon the subject. He should content himself, under the present circumstances of the case, by entering his protest against the Bill.

The Bill read a third time, and passed.

QUALIFICATION OF MEMBERS BILL.] Mr. *Hume* moved the further consideration of the Report of this Bill, and said that its object was to extend the same principle upon this subject to England, Ireland, and

Scotland. The absurdity of a pecuniary qualification, still more of one of a landed nature, was evident; some of the worst scamps in the country were men of property. Its inutility was also equally obvious, from the evasions which were constantly practised of the existing law. He hoped that his Majesty's Ministers would support the measure, and remove such a mockery from our statute-book. Even if the House were disposed to keep up the qualification, they ought surely to extend it to all kinds of property, not confine it simply to landed property.

Lord *John Russell* agreed fully that the present system of qualification was oftentimes injurious, but was not prepared at once to say, that at this period of the Session, and in the present state of the House, so many Members being absent who might be desirous to take part in the discussion of the subject, they ought at once to pass such a measure as the present, doing away with all qualification whatsoever—or even a Measure admitting a qualification of other kinds of property. He should, therefore, wish that the proposed Bill should not proceed further.

Mr. *Ewart* considered the principle of the Bill a sound one.

Mr. *Warburton* was glad that the noble Lord did not oppose the principle of the Measure, and hoped that his hon. Friend would comprise in it some provision abolishing the necessity for the declaration required of Members at the time of election, and for the description of which he was bound to give in of his qualification at the time of election.

Mr. *Hume*, after the statement of the noble Lord, had no alternative but to withdraw the Bill, at the same time he must say, that he had in nowise altered his opinion on its principle.

SHERIFFS' (IRELAND) BILL.] On the Motion of Mr. O'Loghlen, the House resolved itself into a Committee on this Bill.

Mr. *Warburton* proposed an Amendment, to the effect that "The Chief Remembrancer be restrained from engaging in any other office not connected with his duties as Remembrancer."

The *Chancellor of the Exchequer* observed that there was an Act already in existence, by which he believed that the object of the Amendment of the hon. Member for Bridport would be answered.

Mr. *O'Connell* was favourable to the principle of excluding judicial functionaries from seats in that House; but as the case in question was already provided for he supposed the hon. Member would withdraw his Amendment.

The Committee divided on the Amendment Ayes 21; Noes 46; Majority 28.

The Bill went into Committee, the House having resumed.

REBUILDING OF THE HOUSES OF PARLIAMENT.] Mr. *Hawes* rose, pursuant to notice, to submit three resolutions to the House respecting the rebuilding of the Houses of Parliament. The object of his first resolution was to extend the time for giving in the plans, estimates, and specifications for building the new Houses of Parliament. The time for furnishing the plans, &c., was limited to the first of January next, beyond which period they would not be received. Now, he conceived that the effect of thus restricting the time within such narrow bounds would be to deter many young and aspiring artists from entering the field of competition, and he was assured by several architects, that if they and their clerks worked incessantly for the next four months, they would not have time to give in their plans and proposals by the 1st of January. He hoped, therefore that there would be no objection made to extend the time so as to give all parties a fair and equal chance. The second resolution related to the removal of the ruins of St. Stephen's Chapel, but as the right hon. Gentleman, the Chancellor of the Exchequer, had assured the House that the removal of the ruins should not take place until the plans for rebuilding the Houses had been decided upon, and as the Committee had expressed an opinion to that effect, he would not anticipate any objection to the second resolution. The other resolution was to this effect—that in order to secure to the public the benefit of a fair competition, the several plans, when sent in, should be exhibited in some place adapted to the purpose, and there hung up in public view, in order that they might be inspected before any decision should be made. The hon. Gentleman handed in the resolutions; and on their being put from the chair,

The *Chancellor of the Exchequer* said, that as far as regarded the removal of the ruins he did not think that the House was called upon to pass any resolution upon the subject, particularly as his hon. Friend, the Member for Lambeth, had admitted that a promise had been made that the ruins should not be removed until the plans for the new Houses had been agreed upon, and indeed it was obvious that there would be no occasion to remove the old buildings until the new works were begun. At the same time, however disposed he might be to admire ancient ruins, he did not think that in a country like England, where the spirit of improvement was advancing with such rapid strides, that ruins, however ancient, should be preserved solely on account of their antiquity, or that they should for a moment be put in competition with the convenience or interests of the public. With regard to extending the time for receiving the plans, he conceived that as there were now four clear months allowed for sending in the proposals, there was ample opportunity allowed to give all parties the advantage of a fair competition, and he certainly could not admit the justice of the argument used by his hon. Friend who moved the resolutions—namely, that the time ought to be extended, in order to give young artists a fair chance. He considered, that in a work of so much importance, young artists were not the most desirable persons to be selected, and that it would be much better to make the selection from the plans of able and experienced artists. As to the proposal that the plans should be hung up for public inspection, he believed it would be wholly impracticable; for even if Westminster Hall were selected for the purpose, it might be found incapable of affording sufficient space for the exhibition. At all events, the Government had no place at their disposal for such a purpose; but if the hon. Mover of the resolutions would himself point out any fit place where the plans might be hung up, he would be happy to meet the hon. Member's views.

The resolutions severally put and negatived.

Yarmouth Election Committee.] Dr. *Bowring* rose to submit to the House a motion, the object of which was the payment of the witnesses examined before the Yarmouth Bribery Committee. Men who came forward with a view of exposing bribery and corruption, and putting a stop to it, should not be exposed to loss in their exertions. The Committee up stairs had declared that all the allegations contained in the petition formerly presented had been fully borne out by the evidence. The grossest bribery and corruption had been proved, and it was shown that hundreds of electors had taken bribes. He should not then move that payment be made to the witnesses of the expenses they had incurred, but should content himself with moving that there be laid before the House copies of all memorials for the payment of the expenses incurred before the great Yarmouth Bribery Committee, and not discharged by order of the Chairman of the Committee.

The *Chancellor of the Exchequer* observed that the Treasury was always ready to pay any expenses incurred before Committees, when the charges were certified by the Speaker or the Chairman of the Committee. The Treasury could not make any payments without this form, unless by the direct authority of the House. He should, on all occasions, be ready to support a motion for the payment of what was fitting. In general, parties should be led to believe that if they instituted proceedings of this kind, they did so at their own expense; but when there was such a clear result as there was in the present case, and the public had gained such advantages by the exposure of these corrupt practices, it was right that the public should share the expense.

Dr. *Nicholl* thought it better, before they took any steps, to wait till the evidence was before them.

Mr. *Hume* was of opinion that it would be desirable that there should be some fixed rule as to whether witnesses should be paid or not, instead of leaving the matter to the Chairman of a Committee. Any sum proposed to be applied in the elucidation of such matters as had been disclosed before the Committee would be well expended. He was satisfied that it would be extremely unfair to throw the charge of these proceedings on individuals who had the public spirit to take up such subjects.

Sir *John Y. Buller* observed that the Committee had no direct precedent which would justify their ordering the payment of the witnesses; they therefore thought it better to leave the matter to the House.

Mr. *Cressett Pelham* cautioned the House against opening the door to applications of this nature.

The *Chancellor of the Exchequer* felt it right to observe, if the House adopted the suggestion of his hon. Friend, that a resolution ought to be put on the journals, declaring that it should not be drawn into a precedent.

Dr. *Bowring* should be sorry to open the door widely to applications of this kind; but the present case was peculiar.

Returns ordered.

Newspaper Stamps.] Mr. *Hume* moved for leave to bring in a Bill for the Repeal of the Act 60 Geo. 3rd, c. 9, relative to the Newspaper Stamps and Political Pamphlets. He did so in the anxious hope that his right hon. Friend, who had felt it his duty to refuse to take off the stamp duty on newspapers, would assent to the motion. He was fully aware of the grounds on which his right hon. Friend refused to take off the newspaper stamps, but the same objections did not exist against the proposition he now made. There was no duty imposed by the Act he wished to have repealed; and if it were taken off the Statute-Book the revenue would not lose anything. It was one of those obnoxious measures introduced in 1819 by Lord Castlereagh, and he must say it was a disgrace to the Legislature which sanctioned it.

Mr. *Wakley* seconded the motion. If the newspaper tax were taken off, and the present Act continued, the sale of cheap political publications would be prevented. After what the right hon. Gentleman had said the other night, in condemnation of the newspaper tax, and after his expression of regret that the state of the finances did not enable him to repeal it, he (Mr. Wakley) trusted that the right hon. Gentleman would consent to the present motion.

The *Chancellor of the Exchequer* observed if the motion really stood on the ground urged by his hon. Friend, he should not have been indisposed to do what was required; but as the case really stood, it was impossible for him to assent to the motion. The objection to the repeal of the newspaper tax was solely of a financial nature. As long as the revenue of the country was in its present condition, it was impossible for him to assent to the proposition. With respect to the present motion he would only observe, that he might as well remove the tax on newspapers altogether, as adopt the present suggestion. Under the operation of this Act alone were they enabled to punish the publishers and venders of unstamped newspapers. He was anxious to consider the whole subject with a view to a satisfactory result, but they were not then in a position to discuss it. Let them have their discussion on the question and he did not doubt he should be able to show that it would be better, with reference to the reduction desired, that the whole question should be entertained at once. On Friday a motion was to be made on the subject and he should then be prepared to state his views upon it.

Mr. *Charles Buller* was at a loss to understand why the right hon. Gentleman should wish to preserve this Act for the sake of a Clause it contained, enabling him to enforce the stamp laws; surely he could preserve one portion of the Act, and repeal the other. The right hon. Gentleman had attempted to justify his prosecution of those who had violated the stamp laws by saying it was necessary to protect the fair dealer, but what he complained of was that the fair dealer was not protected at this moment. The *Twopenny Dispatch* was said to circulate 40,000 copies, and the *Police Gazette* nearly as many. These unstamped publications were sold for a long time without any particular interruption, to the destruction of some of the most valuable of the stamped weekly newspapers. At last a daily paper, without a stamp, made its appearance; and that having attacked the monopoly of the daily press, means were found for putting it down immediately. The question ought not to be considered as one of finance, it ought to be viewed with reference to the political education of the people. He hoped the hon. Member for Middlesex would succeed in expunging from the Statute-Book this most disgraceful relic of a disgraceful period.

Mr. *Hume* was sorry to hear the right hon. Chancellor of the Exchequer say that he wanted the power which Lord Castlereagh had provided by the Act which went by his name; particularly as there were not less than nineteen other Acts on the same subject. He held in his hand a list of no less than 518 persons who had been prosecuted under what was called the "Trash Act;" under which any political publication of less than two sheets was liable to be seized unless stamped. He would just state an instance which would show what was the operation of that Act. When the Combination Laws were repealed, some gentleman wished to publish a cheap compendium of the existing laws on the subject, for the benefit of the poor. They took the opinion of Mr. Justice Tindal on the undertaking, and he told them that, if they repeated the publication they would be liable to be seized;

and, on that ground, they were obliged to drop the proposal. Thus the present state of the law gave a power to every individual, acting under the Chancellor of the Exchequer, to put down every useful political publication of the kind. And he was certainly greatly pained to hear, in that House, an advocate for the odious Castlereagh Act, which was condemned by every individual almost in the Administration and in the House at the time, as a measure which ought never to have been introduced; and (he must do Lord Castlereagh the justice to say) which was never acted upon in his time with the severity with which it had been of late applied; the revenue was efficiently collected till Lord Grey came into office; and then came the list of 518 prosecutions, up to March 24th last. There never before that period was a prosecution instituted under the plea of that Act with respect to the stamp duty; the revenue was collected without it; and, he must say, it was shameful to think of the Government keeping the country under the operation of that Act at the present time. As, however, the right hon. Gentleman was to go into the subject on Friday, he would withdraw his motion, but he hoped another Session would not pass over without the whole being repealed. It was but policy in the Government to give the people the means of obtaining cheap political knowledge; that they might know which were good measures and which were bad; who were their real friends, and who were not; for they were told now that the other House was the only real friends to the poor; and that the House of Commons were their oppressors and their robbers; he (Mr. Hume) wanted the means of removing the bad effect of that impression; but he could not do it, nor any one else, without being subjected to convictions under that Act, which shut the doors against so much useful information which the people might otherwise obtain. He therefore intreated the right hon. Gentleman not to let another Session pass over without repealing that Act.

Mr. *Hawes* thought that the hon. Member for Liskeard need not have indulged in observations of so much severity, the right hon. Gentleman having declared that he could not spare the money, and it being of the last importance to preserve the public credit.

The *Chancellor of the Exchequer* said it had been frequently stated that, under Lord Grey's Administration, there had been 500 stamp prosecutions. It was no such thing—it had been contradicted before, and he contradicted it now. The hon. Member for Middlesex would find, if he examined the returns, that 460 or 470 of those prosecutions the Government had little to do with—they were prosecutions on the informations laid by informers.

Mr. *Hume* said, that those who allowed such a law to continue in force, were responsible for its consequences.

The motion was withdrawn.

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HOUSE OF LORDS,

Tuesday, August 18, 1835.

MINUTES.] Bills. Read a third time:—Literary Publications; Public Roads (Ireland); Tea Duties.—Read a second time:—Slaves' Compensation; Paymaster General; Oaths' Abolition.—Read a first time:—Municipal Corporations (Ireland); Court of Exchequer (Scotland); Trinity House; Hereditary Revenues' (Scotland); Tonnage Admeasurement; Forgery (Scotland).

Petitions presented. By the Marquess of BUTE, Earls of CALEDON and RODEN, and Lord FARNHAM, from a Number of Places,—for Protection to the Protestant Church of Ireland.—By the Duke of WELLINGTON, the Earls of MANSFIELD and RODEN, and Lord FARNHAM, from a Number of Places,—against the Irish Church Bill.—By the Marquesses of WESTMINSTER and LANSDOWNE, by the Earl of MINTO and Lord BROUGHAM, from a Number of Places, in favour of;—and by the Earl of DEVON, from Exeter, against the Municipal Corporations' Bill.

CORPORATION REFORM—PETITIONS.] The Marquess of *Lansdowne* presented a Petition from Oswestry, in favour of the Corporation Reform Bill, and praying that their Lordships would pass it in an unmutilated state, as it had been sent up from the other House of Parliament.

Lord *Brougham* feared that the petitions with this prayer, came a day too late. The petitioners asked, that the Bill should be passed unmutilated, whereas even now, it had been mutilated and mangled in a thousand places already. He had presented a petition from the inhabitants of Truro, which stated that the Corporation there did not represent the wishes or the feelings of the inhabitants. The petitioners said, that there never was a measure of Reform which was so loudly called for as the Municipal Reform Bill, and that, of all places in the kingdom, Truro was most in want of it.

Lord *Ellenborough* said, that with respect to Oswestry, the revenue of that place was but 25*l.* a-year; that the whole of that revenue was expended in paying constables, and that there were only two Magistrates in the town, who did the business for nothing; so that he could hardly conceive how the Bill could improve their condition.

The Earl of *Devon* said, that the noble and learned Lord opposite had stated, that the Bill had been mutilated and mangled. He did not agree with the noble and learned Lord, and he had now in his hand a petition from a large number of most respectable persons, inhabitants of Exeter, expressing their gratification at the conduct pursued by their Lordships' House. The petitioners wished that the right to choose Common Councilmen in their city should be somewhat extended; but they made no complaint whatever against their Corporation. He was aware that a petition of an opposite kind had recently been presented from some inhabitants of Exeter. All he could say about that petition was, that in a large town there would always be a great many people of one way of thinking, and a great many of another. There was no complaint against this Corporation, nor against the management of any trust. Yet upon this subject it had been stated, that there had been considerable misappropriations of the revenue in the hands of the Corporation. It was there said, that the sum for which the Corporation was indebted to the charities, amounted to 17,000*l.*, and that it had misappropriated the funds of the charities of which it was the trustee. Now that was a matter of fact. It was said, "hear the other side," and he said so in this instance. He held in his hand a statement from the proper office in Chancery, from which it appeared that certain parties had charged the Corporation with misappropriation of trust funds. Inquiries had been directed in the usual way, and it was found that the Corporation was not indebted one farthing in the way alleged, and that there had been no misappropriation, and the Corporation was ordered to have its costs paid out of the fund. That was quite decisive on the question.

The Marquess of *Westminster* wished to know, whether that petition was agreed to at a public meeting, or at a hole-and-corner meeting.

The Earl of *Devon* could not answer whether it was agreed to at a public meeting, or what definition his noble Friend gave to the words hole-and-corner meeting. All he could say was, that the names attached to it were most respectable, and the residences of the persons signing it were annexed. He ought to add, that it was not a petition from the Corporation nor from persons connected with it.

The Marquess of *Westminster* said, that he suspected it must have come from a hole-and-corner meeting, or was a hole-and-corner petition, which meant a petition privately carried from one place to another, to get as many signatures as possible in that way.

Lord *Poltimore* spoke of the great respectability and number of the petitioners, whose petition from this same city he had presented a few evenings since.

Lord *Brougham* felt quite sure that the petition now presented was not agreed to at a public meeting—if it was, he should like to possess it, for such a rare petition as one of this kind, agreed to at a public meeting, deserved the honour of being framed and glazed as a curiosity. He had never seen such a petition yet.

The Duke of *Wellington* had got such a petition, which he should present, and then tender to the noble and learned Lord. It was a petition from Hastings. It had been some time in his possession, and he had delayed presenting it, as he believed the noble Viscount opposite had one of an opposite kind from the same place, and he wished them to be presented together.

Lord *Brougham* acknowledged the great kindness of the noble Duke. That was just the way with curiosity collectors. When they found that a brother collector wanted a curiosity, they never failed to supply him with one. He should certainly beg their Lordships to let him have this curiosity, though he had some suspicion that the less this rarity was looked into, the better would it be for its reputation. It might turn out like Martinus Scriblerus's shield, to be but a brass vessel after all, and its glorious polish might altogether rub off with a little cleaning. He feared that he should not be long in possession of it as a curiosity of the kind he had wished for.

Petition laid on the Table.

MILITIA STAFF.] The Duke of *Richmond* brought up the Report of the Select Committee appointed to inquire into the Militia Bill. The Committee had gone through the Bill, and made some most important alterations in it. One of these was striking out that part of the Bill which destroyed the ballot in future, and taking out another relating to the same subject, the consequence of which would be, that the ballot must take place as at present every year, unless suspended by his Majesty. There were other alterations of minor importance, but he should not refer to them now, as there would be ample opportunity when the House went into Committee on the Bill. The noble Viscount could then fully explain its object.

The Earl of *Westmoreland* said, that however he might approve that the ballot should be allowed to stand as at present, he did not think that that was enough, for he could not but consider this Bill as the total destruction of the Militia; and he submitted to the noble Viscount opposite, not in any spirit of hostility, the absolute necessity for his well and seriously considering what would be the operation of the measure which he now proposed. The Clauses which were left in went to reduce the Staff almost to nothing, and to destroy all at once the drum-majors. They went, in fact, to authorize his Majesty to destroy all vestiges of the Militia Staff. Could any one say, that this Bill did not absolutely sacrifice them? What could now be done with the Militia Staff? These were not two men in a hundred, and they were absolutely without drummers, and without the means of calling the Militia together. After all, this was but a trifling reduction in amount, and hardly worth the attention of the Legislature. When the whole Bill came to be argued, he might recommend to the notice of the House and of the noble Viscount what the Militia had been. And let the noble Viscount consider the circumstances of the present times. If anything should happen, what would be the situation of the country if the Militia was at an end? Let him look at the expense of getting up an army, and he besought the noble Viscount not to let the Clauses of the Bill be quite so imperative upon himself and upon his Majesty, but to reserve to the Government the power of acting with more consideration.

Viscount *Melbourne* suggested, that the best time for discussion would be to-morrow, when the Bill went into Committee.

Report laid on the Table.

Corporation Reform—Committee.] The House resolved itself into Committee on the Corporation Reform Bill.

The 35th Clause, which provides "that existing Mayors and Councils shall go out of office on the election of Councils under this Act, and that those Persons who are Justices of the Peace in any borough at the time of passing this Act shall continue to exercise their powers until the 1st day of May, 1836, and no longer," having been read,

Lord *Lyndhurst* rose, and said, he had first to propose a verbal Amendment, and he should next move to strike out the words "until the 1st day of May, in the year 1836, and no longer." To explain his reason for proposing that Amendment, he should refer to the 96th Clause, which set forth, "That it shall be lawful for the Council of every borough to which his Majesty shall at any time hereafter be pleased to grant licence in that behalf, and each of them is required, from time to time, to name so many fit persons as to the Council of each of the said boroughs respectively from time to time shall seem expedient, for the purpose of being qualified to receive his Majesty's Commission to act as Justices of the Peace in and for such boroughs and counties; and his Majesty thereupon may assign so many of the persons so named as to his Majesty shall seem fit to be his Majesty's Justices, and to keep the peace in the said boroughs and counties," &c. Now, this involved a direct limitation of the power of the Crown, to which he strongly objected. In his opinion those persons who were at present Justices of the Peace in boroughs or counties, in consequence of the right which they claimed under Charter, should continue to hold the same situation which they now held, but which, under this Bill, they were only empowered to hold until the 1st of May, 1836. He therefore proposed to omit the words "until the 1st day of May, 1836, and no longer."

Lord *Brougham* said, his noble and learned Friend had again got the knife in his hand, with which on the preceding night he had butchered the Bill. He was extremely sorry to see it. Did his noble and learned Friend mean to say, that all borough Magistrates whatever were to be Justices of the Peace, although they did not belong to the Corporation? It did not follow that all Aldermen were Justices of the Peace. In many boroughs the two senior Aldermen only exercised the duties of that office, and in some they devolved only on those who had passed the Chair. It was extraordinary to say, that an individual should continue during his life to act as a Justice of the Peace, merely because in his time he had as an Alderman exercised judicial functions. He did not wish to argue as if he were at the Bar before his noble and learned Friend, and yet he felt that he ought almost to plead before him, as he appeared to be sitting in judicial authority on the Bill. He should therefore request of the Court to re-consider the subject, to rehear the matter on the part of the Bill, and to pass a different sentence from that which his Lordship had already been pleased to pronounce. He hoped the noble and learned Judge would think favourably of the proposition which he now submitted to the Court.

Lord *Lyndhurst* said, he had heard with patience the argument of the noble and learned Advocate but it it had not induced him to come to a different conclusion. His object was to secure justice for those persons who filled the situation of justices of the peace, under charter, in different boroughs. He saw no reason why those individuals who had filled the situation of justice of the peace, under a charter, and who had performed their duties efficiently, should be removed from that situation. In his view of the subject, they ought to be protected in the enjoyment of a privilege or power which they had showed themselves capable of exercising beneficially for the public. That was the judgment which he had pronounced. If the noble and learned Advocate thought proper to cause a writ of error to be moved in the other House of Parliament, he must patiently await the decision.

Lord *Brougham* said, that on ordinary occasions his noble and learned Friend waited till he heard the arguments on both sides, and then decided; whereas on the present occasion he wrote his judgment beforehand, and heard counsel afterwards. That, he was sure, was not the sort of justice to which his noble and learned Friend wished to lay claim. It was the justice of Minos and Rhadamanthus – judges who presided in a place to which he hoped his noble and learned Friend was not going. *Serus in cœlum redeat.* His noble and learned Friend was just doing the very same thing that gave to those judges their fame and their seat at the infernal tribunal. *Castigatque auditque.* He would not say *dolos,* because there were no *doli* there. They first punished, and afterwards, at their leisure, he supposed, they heard. His noble and learned friend was just proceeding in the same way. He believed, however, that the suggestion which he had thrown out had never occurred to his noble and learned Friend. If it had, he was convinced that his noble and learned Friend never would have come to such a decision. He trusted that, having heard that suggestion, his noble and learned Friend would not adhere to his decision merely because he had stated his opinion, but that he would again consider it.

Lord *Lyndhurst:* I have read the papers, listened attentively to the argument, and pronounced judgment afterwards. From that judgment I see no reason to depart.

Viscount *Melbourne* said, their Lordships had agreed generally to the principle of the measure: they had admitted that a reform of the Municipal Corporations was necessary and how were they now proceeding? They were sweeping away from this Bill almost everything—almost every point that could be useful. It was impossible that their Lordships could have taken means more effectual to prevent this measure from remedying any of the evils that had been complained of, or from producing any of the advantages which was expected to arise from it, than those which they had adopted. The preservation of so much abuse, and moreover the preservation of so much of that which it was desirable on every account to get rid of, rendered the Bill perfectly inefficient for the purposes for which it was originally intended. He should make no opposition either to this or to any other Amendment, because from the determination by which their Lordships had shown themselves actuated at present, such opposition would be evidently useless. But when these Amendments of their Lordships should all be adopted, and when the Bill should be seen in the state in which their Lordships might be disposed to leave it, it would then be matter of serious—ay, of very serious consideration, whether his Majesty's Ministers could proceed with a measure so mutilated and so spoiled.

Amendments agreed to.

On the 36th Clause being proposed, which relates to the division of certain boroughs into wards.

Lord *Ellenborough* rose to request the attention of their Lordships to this Clause, and to some important Amendments which he should propose to them to make in it. In the first place, he objected to giving his Majesty in Council the power of dividing the different municipal boroughs into wards. Under the Reform Bill the boundaries of the different Parliamentary boroughs had been taken by a Parliamentary Commission, and their Lordships had already decided that the municipal boundaries of such boroughs as were not Parliamentary boroughs, should remain as they were until Parliament decided otherwise. The difficulty, however, of dividing the municipal boroughs into wards was greater than that of fixing their boundaries, for their Lordships had no information respecting what ought to be the internal limits of the different wards in the different corporate towns of the kingdom. He was unwilling to say anything that might prove painful to the feelings of hon. Gentlemen who had been engaged in arduous public duties; yet a sense of public duty compelled him to say, that in many respects the boundary Commissioners as well as the corporation Commissioners had not acted in a satisfactory manner. It was evident that they did not understand the objects for which they were appointed; it was likewise evident to him that the instructions issued to them by his Majesty's Government were not calculated to give them a proper notion of the duties which they had to discharge; and having that feeling on his mind, having a great want of confidence in these Commissioners, and also in the Government which appointed these Commissioners, he was unwilling to delegate to his Majesty in Council the power of dividing the municipal boroughs into wards. If such power were granted to his Majesty in Council, or in other words to Commissioners appointed by the Government, those Commissioners must also be intrusted with the power of apportioning to the different wards their respective number of councillors. Thus they would have the power of giving to any party which they pleasedthe power of decidingall the elections in its own favour. By whom, then, ought this power of dividing the boroughs into wards to be exercised? It ought to be placed in the hands of those who had the fullest local information, and who were the most likely to be free from all suspicion of abusing the confidence reposed in them. Their Lordships ought perhaps to choose the members of the existing corporate bodies as those who had the fullest local information: but as they were unfortunately, he did not say justly, open to suspicion, they did not combine in themselves the two qualifications which he deemed necessary, and therefore his choice would not fall upon them. Under the Reform Act power was granted to the Magistrates assembled in Quarter Sessions to divide counties into districts, and to select the polling places for the several districts. There was, however, this objection to granting to the Magistrates assembled in Quarter Sessions the power of dividing the boroughs into wards. They had not the local information that was necessary to the proper making of such divisions, though they must be admitted on all hands to be far above suspicion. There were, however, the Magistrates of the division in the neighbourhood of the municipal borough, who must have the requisite local knowledge, and as they were above suspicion, this power was safely delegated to them; and such being the case, he should propose an Amendment on this Clause giving them the power to divide the boroughs into wards. He had also to object to the mode in which this Clause limited the division into wards. Under this Clause no borough was to be divided into wards unless its population exceeded 12,000 inhabitants. But half the boroughs comprised in this Bill contained less than 12,000 inhabitants. If their only object in dividing boroughs into wards was to avoid disturbance at the election of councillors, that object might be accomplished by increasing the number of polling places; but the object of dividing boroughs into wards was, as he conceived, to give all classes and interests in the community a fair chance of being equally represented. He would therefore carry the division into wards as low down as it was possible. For instance, he would assign to every borough of which the population exceeded 6,000, and was under 9,000 persons, two wards; to every borough of which the population exceeded 9,000, and was under 13,000, three wards; to every borough of which the population exceeded 13,000, and was under 18,000, four wards; and so on, until he reached boroughs of which the population varied from 55,000 to 70,000 inhabitants, which he would divide into eight wards. This mode, he contended, would be more effectual than that proposed in the Bill, if the object of the promoters of it were to give each and every interest in the borough a fair share of the representation. Then came the question, how were the number of councillors to be apportioned to each ward? To decide that question, their Lordships must consider the nature and character of the constituency which they had created. He believed that their Lordships had determined to take the constituency as it stood in the Bill as sent up from the House of Commons. Now, it appeared to him that in no way could their Lordships have testified their disposition to adhere as far as they could to the arrangements of the other House of Parliament than by adopting that new constituency. He thought that his Majesty's Government had acted wisely in not creating for the municipal elections the same constituency as had votes for the election of Members of Parliament. It would be dangerous, if not fatal, to the tranquillity and well-being of the corporate towns, if on every election of mayor, or town councillor, or auditor, or any other municipal officer, there were a trial made of the electoral strength of the two parties in the state, which would be the case were the Parliamentary and municipal constituency of the borough the same. In such a state of things every election of a municipal officer would be considered as a trial of a very different issue, and the issue to be determined by that trial would be which party should nominate the Member of Parliament at the next election? He saw great advantage in appointing for the municipal boroughs a constituency lower than that of the 10*l.* householders, for it created a dependence of the higher classes on the lower classes of the community, which was done away with by the Reform Bill. He thought that their Lordships would admit that in all towns subject to municipal government the persons rated at a lower sum than 10*l.* would have a great numerical preponderancy over those who were rated at a higher sum than 10*l.* Their Lordships were therefore creating under this Bill a constituency far more numerous than that which existed under the Reform Act. Under such circumstances it became a question upon what principle Parliament should apportion the number of councillors allotted to the borough among its different wards—whether it should pay regard to the relative numbers, or to the relative property of the wards, or whether it should pay regard to the numbers and property combined. For his own part, he thought that the latter was the consideration to which their Lordships ought principally to look. The combined ratio of numbers and property was the principle which the House adopted in saving the Parliamentary boroughs from the schedules A and B of the Reform Bill—it was the principle which the House had adopted in the Vestry Act—it was the principle which the House had adopted in a very excellent Act which it had passed for the local government of Manchester. He, therefore, thought it desirable that this principle should be adopted in this Bill; for if their Lordships wished the Bill to be permanent, they ought not to frame the constituency under it in such a manner as would deprive six-eighths of them of all real power, and he should propose an Amendment to apportion the councillors to such wards in proportion to the numbers and property of the wards. The noble Lord moved that the original clause be left out of the Bill, and that in lieu of it a clause containing his Amendments be inserted.

Viscount *Melbourne* observed, that it was impossible for him to argue against the want of confidence which the noble Baron said that he entertained, not only for the boundary Commissioners and the Corporation Commissioners, but also for His Majesty's Government who appointed them. For his own part, he could not see why confidence was to be refused to the Commissioners appointed to fix the boundaries of the municipal boroughs, on account of the instructions which had been issued to them by Government. The noble Baron had said, that those instructions betrayed the object for which they were framed. One of them was in these words:—[The noble Viscount read a paper to this effect—"You shall not divide the boroughs into wards, so as to throw the rich inhabitants into one ward, and the poor into another; but you shall so divide them as to throw the rich and poor into wards together, in nearly equal proportions."] That appeared to him to be a perfectly reasonable instruction. The whole town was best constituted when the rich and the poor resided together. The ward of a town was but a representation of the town itself, and that was implied in the criterion which the noble Lord had himself taken in the latter part of his speech, for the number of councillors to be appointed to each ward, when he said that it ought to be fixed on the combined ratio of property and of numbers. The noble Baron, who was such a stickler for the prerogatives of the Crown, proposed to place the power of dividing boroughs into wards in the hands of the magistrates of the divisions neighbouring on the boroughs to be divided, and refused to place it in the hands of the King in Council, or in those of the Commissioners whom the King in Council might appoint. Now, he did not think the course proposed by the noble Baron a prudent course. It was not a course calculated to secure a wise and temperate administration of the Bill. It was taking at haphazard men with more or less discretion, with more or less interest in the local affairs and prejudices of the different boroughs, and placing in their hands a power, which the noble Baron said was of a very delicate nature, and most difficult to be exercised with impartiality. He could not but think that this power would be more prudently and more skilfully exercised by Commissioners appointed by the Crown, than it would be by any magistrates taken at haphazard. The noble Baron had taken upon himself to assert, that the Commissioners under the Boundaries Act had not conducted themselves with discretion and propriety. This was the first time he had ever heard such a charge made against them, and all he should say in reply to it was, that all their proceedings had passed under the review of Parliament, and that the objections made against them had been few in number, and insignificant in point of weight. The noble Baron would also have a more minute division of boroughs into wards than that which was contemplated by this Bill. He would divide into wards, towns which had less than 12,000 inhabitants. Towns of 6000 inhabitants were to have only one ward; but all above 6000 and under 9000 were to have two wards, and so upwards on an ascending scale. Now, he must say, that he saw no advantage in these minute subdivisions, except it were to divide towns into snug coteries, over which rich men might exercise the right of nomination by dint of money. He was of opinion, that the limit to the number of wards provided by this Bill was quite sufficient. From the hurried manner in which the noble Lord had given the statement of the substance of his Clauses, he had not been able to understand the mode in which the noble Baron would fix the number of Councillors; but, as far as he could understand it, it appeared to him to be another well-devised scheme to give additional weight to the influence of property. It appeared to him, that this Amendment gave a still more aristocratical character to the Bill than that which their Lordships had already unfortunately impressed upon it. In conclusion, he must observe, that he could not help looking upon these Amendments with considerable suspicion.

The Earl of *Winchilsea* expressed his intention to support this Amendment, which he was convinced would give great satisfaction to the country. He expressed his conviction that this Bill was brought forward for party purposes, and for party purposes only. It was intended to raise one party, and to depress another. That was not a legitimate mode of legislation. He was convinced that the country was sick of party feelings and party agitation, and only wished to be at rest.

The Earl of *Ripon* was inclined to think that the limitation fixed by the Amendment for the number of wards, was too low, and that the limitation fixed by the Bill was too high. He thought that in fixing 6,000 as the limit at which the division into two wards was to commence, his noble Friend (Lord Ellenborough) had begun at too low a number, whilst the Bill, in fixing 12,000 for the same object had begun too high. He felt considerable doubt as to the policy of leaving the division of boroughs into wards to the magistrates of the divisions neighbouring on the towns, instead of leaving it to the King in Council. He knew not how this matter affected the political views of His Majesty's Government on the one side, or their political opponents on the other. He thought that the King in Council was the party to whom this power of division ought to be left. The best plan, as it appeared to him, would be for their Lordships to enact in the Schedules of the Bill precisely those divisions which they wished to have made. He admitted, however, that in the present Session it was too late to take that course. To whom, then, ought this power to be intrusted? In his opinion to the King in Council. By granting this power to the magistrates of the neighbouring division, you would place them in an inconveniently invidious position, because though they might be perfectly impartial, it did not follow that the inhabitants of the boroughs would think them so. In conclusion, he expressed an opinion, that in every case where a town had a population of 10,000 souls, there two wards should be established.

Lord *Ellenborough* said, that such a rule would exclude not less than fifty boroughs.

The Duke of *Richmond* objected to that part of the Amendment which threw upon the neighbouring magistracy the responsibility of dividing the boroughs into wards. Take, for instance, the case of Chichester, a town which had one of these Corporations. He happened to be the Chairman of the Petty Sessions held for that town and neighbourhood. There were three or four county magistrates who resided in Chichester, and some who resided within two or three miles of it. The political opinions of each of these Magistrates were well known, and yet it was proposed to intrust to them the decision of a point which must involve them in a collision with one party or another in that city. It would be still worse to leave the point to be decided by the Magistrates assembled in Quarter Sessions; for, in an extensive county like Sussex, you might as well refer it to the Magistrates of Yorkshire, as to the Magistrates who came from districts remote from Chichester, for as a body they could know nothing of the local circumstances of the city of Chichester. He also objected to giving this power to the County Magistrates upon another ground. By so doing, were not their Lordships converting the magistracy into a political body? In the present circumstances of the country, was that advisable?—was it even expedient? He regretted to find that those noble Lords who had hitherto sustained the rights of the Crown, were the first to take measures to infringe those rights, merely because they had no confidence in the present Administration. He thought that this power ought to be consigned to the hands of Commissioners appointed by the Crown; for, if those Commissioners should happen to do wrong, it would be in the power of their Lordships to remedy that misconduct afterwards. In reference to the subject of wards, he thought that the limitation should be lower than it was fixed in the Bill: but, still, though such was his opinion, he thought that the noble Baron had fixed it too low. His reason for wishing to have the limitation lower than that fixed in the Bill was, that he thought it would give a greater chance for a fair election, and would prevent any club from carrying at pleasure the election of its nominees. By dividing the boroughs into wards, the chance of having fair and free elections was increased.

Lord *Ellenborough*.—Surely the noble Duke must have forgotten that he was a member of the Government which passed the Reform Bill, and gave to the Magistrates assembled in Quarter Sessions the power of dividing counties into districts, and of appointing polling places.

Lord *Brougham* protested against the argument, now too common in that House, of binding all the parties to a project of a Bill, when it was first introduced, to every principle contained in it. Were they never to depart from a measure, because it was once introduced into Parliament? Were they to declare unblushingly to the world that in that House at least, they would shut their eyes to every thing passing around them, and never profit by experience? A more ridiculous, and, with all deference to those who propounded it, a more absurd principle he had never heard defended by the mouth of man. What would be the consequence, he would ask, of adopting the principle and the practice of this Amendment? Great discontent, he knew, existed in various parts of the country, owing to the manner in which the Magistrates at Quarter Sessions had divided the counties into districts, and had fixed polling places under the Reform Act. He could himself name more than half a dozen cases, in which many parties had been so annoyed—in which the Magistrates on the one side, and the inhabitants of the district on the other, were ready to come before Parliament, and pray that a new arrangement of the polling districts might take place without delay. He had never himself been favourable to the plan of vesting in the Magistrates the power given to them in the counties by the Reform Act. He had, however, only a choice of evils before him, and thinking that evil to be the least, he had consented to give to the Magistrates a power, which he now most sincerely regretted having ever given them. In like manner he repented of having given to the judges, under the Reform Act, the power of appointing the revising barristers. He had not consented to give them that power under the present Bill, for he thought that the judges had not exercised, as they ought, the power which had been formerly intrusted to their hands. He admitted, that the question of division into wards was a question of great nicety and difficulty. Where there were only two or three candidates, it was easy enough to conduct the election in the ordinary way, by increasing the number of polling places; but it was not quite so easy where you had twelve or fourteen persons, to be elected by a popular constituency. In such a case you must have a house list, or else by means of the cross-votes, parties might be elected in whom the bulk of the community had little confidence. Into whose hands, then, would these house-lists generally fall? Into the hands of some electioneering clerk or club—into the hands of what they call a *Cacus* in America—[Lord *Lyndhurst*—Say Caucus.] He stood corrected. He supposed that it was Caucus—for he admitted his noble and learned Friend to be more skilled than he was in the language of America. To return, however, to the Amendment. He did not understand what was meant exactly by the neighbouring magistracy. There were also two other points in it, to which he was obliged to object. He objected to those "neighbouring Magistrates" having the power of apportioning the number of Councillors to the different wards. That was imposing a most invidious task upon them. He thought it would be better to leave the matter in the hands of the King in Council; for it was erroneous to suppose that anything done by that authority was final, or could not be regulated or qualified by a subsequent Act of Parliament. His noble Friend opposite objected to this course, because the present Government was now in power. Now, he not having the lynx-eyes that the noble Lord seemed to possess, could not discover so many defects in the Government as the noble Lord. The present Government, like all Governments, had their course of politics, but he did not see that they would be less likely to exercise their judicial functions wisely, be they politicians or non-politicians. It was a matter of perfect indifference to them, or to any Government, how Bridport, Devonport, or any other borough might be divided into wards, and he really did not see any grounds for objecting to intrusting to the King, advised by his Ministers in Council, the determination as to the mode in which such divisions should be made.

Lord *Skelmersdale* said, that as chairman of the Quarter Sessions of the peace for one division of the county of Lancaster, he had been concerned in the nomination of the polling places in that county, under the Reform Act, and he could say, that the Magistrates with whom he had acted discharged those duties with the utmost cheerfulness and unanimity, and he could assure the House that no dissatisfaction had, up to the present moment, been expressed by any party as to the arrangements which by them had been so made. For his own part, he would say, he would most cheerfully undertake the duties which, under the amendment of his noble Friend, would devolve upon the Magistracy, and he did not know any Magistrate in the same district as himself, who would not also most cheerfully take his share of the labour. As it had been said, the number of Magistrates attending petty sessions was small, he would suggest, that instead of the clause confining these duties to them, it should be provided that the Magistrates of the division should hold a special sessions for the purposes of this Bill, and he had no doubt that special sessions would be numerously attended. On the whole, he thought the matter would be better placed in the hands of the Magistracy than in those of a body of Commissioners. He, however, had no objection to the Magistrates first making a report to the King in Council, and that on that report final arrangements should be made.

Lord *Segrave* could not think there would be found among the Magistrates generally that unanimity on this subject which the noble Lord seemed to anticipate. The Magistracy were peculiarly under the influence of political feelings on one side or the other, and he could appeal to the noble Baron opposite (Lord Ellenborough), whether, while acting under the Reform Bill, the Magistrates of the county of Glocester had acted with any thing at all approaching to unanimity. He had no hesitation in saying, that one of the very worst provisions of the Reform Act was, that the nomination of the polling places should be left to the Magistracy. At all events, they did not agree in the county of Gloucester.

Lord *Ellenborough* was present at the meeting of the Magistrates of the county of Glocester on the occasion to which the noble Baron referred. He had, however, taken no part in the proceedings, though the noble Baron took a very active part. He must say, however, that the proceedings appeared to him to be as fair as he had ever witnessed.

Lord *Hatherton* said, that in the county of Stafford no differences or disputes had arisen, because the Magistrates felt they were charged with the business of the county when deputed by the Reform Act to fix the polling-places for the county. The duty proposed now to be imposed upon them was very different, and he thought that Magistrates would be unwilling to act in interfering with the borough, and he was sure their interference would be regarded with suspicion by the inhabitants. He could not admit that there was any analogy in the duties imposed on the Magistrates and those proposed in the Amendment of the noble Baron.

The Duke of *Richmond* said, that allusion having been made to his having been a Member of the Government by which the Reform Bill had been proposed, he must be allowed to observe that he was surprised that the noble Baron, who had himself served his Majesty in different offices, seemed not to be aware that it was perfectly impossible to find sixteen or seventeen gentlemen who would wholly agree in every single word of any particular measure. He begged to ask the noble Baron whether, supposing he had been in the Cabinet, which agreed in every principle of the Reform Bill, he would have thought himself justified in resigning his office merely because the Bill contained one clause which called on the Magistrates of the country to discharge a certain duty? It appeared to him, notwithstanding the suspicion which the noble Baron had thrown upon the Commissioners, that the best course would be that they should report to the King in Council, and that the first elections should be held under their arrangements by an order in Council, but that hereafter the division into wards should be regulated by a distinct Act of Parliament, to be passed after the information of the Commissioners should be received. He did not suppose for a moment that the Magistrates would not faithfully discharge this duty, but he did not think they could do so to the entire satisfaction of the residents in the town or borough near which they might be allocated.

Lord *Ellenborough* conceived the first election under this Bill to be the most important, and with that view it was that he had moved the Amendment. He admitted that a man serving his Majesty must sacrifice his own feelings upon minor points to the general opinions of his colleagues, but at all events he had *primâ facie* grounds for supposing that the noble Duke had agreed in the portion of the Reform Bill to which he had alluded.

The Earl of *Harrowby* said, that, under existing circumstances, he had strong objections to leave the matter of this division into wards to the decision of the King in Council. That body must rely upon information coming from a body of Commissioners, and it was quite clear to him, looking at the manner in which they were appointed, and the manner in which they had alraady executed the duties intrusted to them, they would exercise their functions with one particular view and object. Seeing, therefore, the quarter from which the information was to come, he owned he should regret to see the apportionment of these boroughs into wards left to the King in Council. At the same time, he felt considerable doubts as to the propriety of the mode proposed by his noble Friend. He agreed with the noble Duke on the cross-benches in thinking there would be great inconvenience in throwing upon the Magistracy the responsibility of dividing the boroughs into wards. The proposition that they should report to the King in Council was well worthy of consideration, and he thought that would be the least objectionable mode of proceeding. With regard to the apportionment of the number of councillors to each ward, he thought the good feeling of the people would be best secured by giving the same number to each. He threw out this suggestion for consideration before the Bill again was discussed, and in the mean time he should hope, that the Clauses proposed by his noble Friend would be adopted, subject, of course, to discussion in a future stage.

The Marquess of *Lansdowne* would be very happy to see the Council relieved from the duties imposed upon them by the Clause under discussion. He was not aware of any distinct ground of imputation, but they certainly were under the necessity, in all such cases, of seeking information elsewhere. It rested with those who objected to this arrangement, however, to propose some better. He felt bound to say, that if there were a class of persons who were liable, he would not say to the just, but to the apparent, imputation of interfering from political motives, it was the Magistrates immediately surrounding the large towns. He was not at all certain that the power might not, in particular instances, be exercised for political purposes. and thus taint its general exercise. He spoke from some experience, as the Lord Lieutenant of a large manufacturing county himself, when he said, that the Lord Lieutenant had great difficulty in finding persons who would undertake the duties of Magistrates in large towns, from a fear on their parts, that they would be mixed up with the political and party concerns of those towns. Now, if these feelings prevailed among the Magistrates, what would be the consequence of imposing this duty on them? His noble Friend, on any other occasion, would not have the least chance of carrying such a Motion as he now made. He could not conceive anything more clear than that the persons who now managed parish affairs, under the Vestry Act, regulated them with the most admirable effect; whereas, formerly, some of the ablest men who attended the vestries totally failed in accomplishing that object; and why? Because they were so much removed from those whose conduct they had to regulate, that they did not know how to go about it, whereas the class of persons who now constituted the vestries, knew well how to deal with the persons under their control. These Town Councils would, in the same way, exercise the task assigned them much more satisfactorily than the Magistrates. He had no idea, however, of dividing the Committee upon the Motion. He should as soon think of carrying the House, with all their Lordships in it, across the Thames.

Lord *Ashburton* was willing to bear testimony to the ability with which parish affairs were conducted by vestries appointed under the Act alluded to by the noble and learned Lord; but the powers now proposed to be given to those Councillors were far beyond those which a vestry, or any similar body, had hitherto exercised. He admitted that the subject of public-house licences was at all times a difficult one to deal with, but, until it entered into the imagination of the framers of that Bill, he would venture to say, nobody had ever dreamed of vesting the power of granting licences in the hands of a popularly elected body. If, indeed, their Lordships were to set their wits to work to devise some means by which the whole system of society in small towns might be deranged, he knew not how they could possibly hit upon anything more directly tending to that end than the proposition contained in that Clause.

The Earl of *Radnor* differed from the noble Lord who had just sat down. He thought that the power of granting licences might very properly be vested in the hands of the Town Council. If the Town Council was composed of the men he expected it would be. They were the very parties in whom this power ought to rest, because they were the persons most immediately interested in maintaining good order.

The Amendment was agreed to.

The Clauses to the 66th were also agreed to.

On the reading of the 67th Clause—the first of those which relate to Charitable Trusts,

Lord *Lyndhurst* said, that, as they had now arrived at one of the most important sections of the Bill, he was anxious to state the course that he and his noble Friends around him were disposed to pursue. They thought it necessary that Parliament should come to some arrangement with respect to Charitable Trusts. They were aware that the noble and learned Lord (Brougham) opposite had introduced a Bill upon the subject, but they thought, looking at the complicated character of the provisions which such a measure must necessarily contain, it would be quite impossible that it should pass into a law, in the shape in which it stood, that Session. He (Lord Lyndhurst) was anxious to give every consideration to the Bill; and if his noble and learned Friend would bring it forward at an early period in the next Session, and so give their Lordships something to employ themselves about at that time of the year, he would give every attention in his power to it, and would endeavour to bring it to a proper conclusion. The 67th Clause of the present Bill continued in the hands of the persons at present possessing Charitable Trusts the power of dealing with those Trusts up to the 1st of January in the next year, on which day all Trusts of this description were to be transferred from the present trustees to a committee or body of persons appointed by the new Corporations. What he proposed was, that the period for the transfer should be extended from the 1st of January to the 1st of August next year; that things should remain as they were at present up to that time; and that thus, before any final steps were taken, an opportunity should be afforded of considering the measure proposed by his noble and learned Friend, and of making such an arrangement with respect to the disposition of these Charitable Trusts as the importance of the question and the amount of the property involved required. He proposed, therefore, to act on the principle of the section itself—to adopt the first part of the Clause, and merely to alter the latter part by inserting the words "first of August," for the words "1st of January."

Lord *Brougham* did not object to the course which his noble and learned Friend proposed to pursue. He only regretted that the opportunity had not been afforded him of carrying along the measure which he had introduced, upon the subject of Charitable Trusts, *pari passu* with the present Bill. That was the object which he had in view when he brought it forward, and but for the delays which were thrown in his way from many different quarters, the whole matter might have been finally and satisfactorily settled this Session. His noble and learned Friend might depend upon it that he would not fail to introduce the subject again at the very commencement of the next Session.

Amendment agreed to.

On the 76th Clause,

The Marquess of *Lansdowne* said, the noble and learned Lord still spoke of the amount of the qualification, which was not the point to which his (Lord Lansdowne's) question had been addressed. Again, he stated that what he wished to know was, whether the noble and learned Lord intended to confine the necessity of qualification to those members of the Town Council who were elected by their fellow citizens.

Lord *Lyndhurst* observed that they had not come to that part of the Bill which related to those who were to be members of the Town Council for life. The proposition which he had made related to those who were to be elected for a stated period.

Lord *Brougham* remarked, that his noble and learned Friend could never think of retaining paupers as members of a Corporation for life, when those who were elected by their fellow citizens must be sixth raters, or fourth raters, or thousand or five hundred pounders. That would be too monstrous a proceeding. Supposing, however, that the member self-elected for life were to have a qualification at the time of his election, it might happen to him afterwards to fall into bad circumstances, and be under the necessity of applying for parish relief; now, if that happened to a member not elected for life, at the end of three years, or of one year (as the case might be) he would go out, and the Corporation would get rid of a pauper, while the other would remain an alderman and a pauper all the days of his life. He would take the present opportunity of observing, that he had last night stated, with reference to a letter from Glasgow, which had been produced by his noble and learned Friend, that he had no doubt it would be answered by Friday next. It was now only Tuesday, and he had received a letter completely contradicting the statements of his noble and learned Friend's correspondent. This contradiction came from a very respectable individual, a member of the Town Council of Glasgow, and a solicitor of great practice, Mr. Douglas, who had formerly been a candidate for the representation of Glasgow, and had obtained 1,500 votes. The letter stated that there never was a more unfounded statement than that made by the noble and learned Lord's correspondent, that paupers were appointed Members of the Town Council—men who were not rated to the poor-rates, and who were bankrupts. There was one member of the Town Council, a man of highly respectable character, who had been a bankrupt; but the letter stated—

The Marquess of Westmeath called the noble and learned Lord to order.

Lord *Brougham* said, the noble Lord could not call him to order. He was about to conclude with a Motion. He would move that the Chairman report progress.

The *Chairman* (the Earl of Shaftesbury) observed, that the noble and learned Lord was perfectly in order.

Lord *Brougham* remarked that this was at least the twentieth time that he had experienced a similar interruption from the same quarter. He should have done by this time had he not been interrupted. He had already stated, that notwithstanding the use of the plural number by his noble and learned Friend's correspondent, there was but one Member of the Town Council of Glasgow who had been a bankrupt. There was but one who had not been rated to the poor-rates. But what were the facts of that case? The individual in question was a partner in a respectable manufacturing house. Now, the Commissioners had the power of rating either the firm or the members of it, and they had chosen the former. The third charge adduced by his noble and learned Friend's correspondent was, that the Town Council of Glasgow had put their favourites into office, and had turned out all the other office bearers.

Lord *Lyndhurst* said, his correspondent did not accuse them of turning any one out.

Lord *Brougham* observed, that the fact was simply this—motives of just economy induced the Town Council to reduce the salary of one of their officers from 600*l.* a-year to 300*l.* a-year. It was offered to him to continue in office on the latter allowance: he declined to do so; and of course a successor was appointed. In addition to all this; Mr. Douglas stated that the members of the Town Council generally were among the wealthiest inhabitants and largest rate-payers of Glasgow; and that the finances of the Corporation were never in so flourishing a state as at present.

The Marquess of *Westmeath* had called the noble and learned Lord to order, because he thought that noble and learned Lord was about to read a long letter from Glasgow; to which at that late period of the night, he was not disposed to listen. He had no wish whatever to interrupt the noble and learned Lord; for whose talents and powers he had as much respect as any man could have; although he sometimes could not help regretting the application of those talents and powers, and the disposition manifested by the noble and learned Lord to dictate, not only to individual peers, but to the whole House.

Lord *Brougham* professed great respect for the noble Marquess. He should receive whatever advice the noble Marquess might please to bestow upon him there, or elsewhere with great respect. But as to what the noble Marquess had said of the misapplication of what the noble Marquess had been pleased to call his talents and powers, he (Lord Brougham) should go on to the end of his life precisely as he had hitherto gone on; respecting the noble Marquess's advice as much, and attending to it as little, as possible.

The Earl of *Galloway* said, that he had been informed that the writer of the letter to which the noble and learned Lord had alluded, was a rank Radical; who had made seditious speeches with the red cap of Liberty on his head.

Lord *Brougham* observed, that the question was, not what the noble Lord had been informed, but whether or not Mr Douglas was a respectable man. As to his differing from the noble Earl in politics, that did not lessen Mr. Douglas in his eyes. And was it to be tolerated that a respectable citizen should thus, in his absence, be charged with an indictable offence? Their Lordships ought to set an example of justice, if not of charity; and not accuse of an indictable offence an individual who was as respectable as any one of them.

The remaining Clauses of the Bill were agreed to.

The Bill to be re-printed, and re-committed.

The House resumed.

HOUSE OF COMMONS,

Tuesday, August 18, 1835.

MINUTES.] Bills. Read a third time:—Prisons' Regulation; Tonnage Admeasurement; Forgery (Scotland); Court of Exchequer (Scotland).—Read a second time:—Larceny (Ireland); Exchequer Bills; Consolidated Fund; Spirit Licences and Wine Permits; St. Margaret's Rectory.

Petitions presented. By Mr. HUME, from the Licensed Victuallers of Ely, Wisbeach, and Witchford, for the Repeal of the Duty on Spirit Licences.—By an HON. MEMBER, from Hastings and St. Leonard's, for a Commutation of Tithes.

PUBLIC INSTITUTIONS.] The House went into Committee on the Public Institutions Bill.

Mr. *Tooke* thought the House would stultify itself if it passed this Bill through the present stage with the Clause relative to the compulsory rate. The hon. Member moved that the Clause be omitted.

Mr. *Warburton* thought that the House ought to confine its attention to those measures that were really intended to be passed in the course of the present Session. It was evident the present measure could not be passed during the Session.

Mr. *Buckingham* trusted that the House would pass the Bill with as much rapidity as possible.

Mr. *Wyse* was in favour of such a power being given to Municipal bodies, but as the Bill relative to those Corporate bodies had not yet passed, it was absolutely necessary that the hon. Member should introduce some machinery, and the only question was, whether that machinery was good or not. He thought the objection to that machinery was not well founded, as it provided that at least two-thirds of the rate-payers should be in favour of that measure, and as the assessment was limited to sixpence in the pound, it was quite obvious that this system could not be open to the same objections as others which would tend to impose heavy burdens upon the people. It was absurd to suppose that the rate-payers of populous towns would be so indifferent to their own interests as not to attend the public meetings, and object to any improper or extravagant proposition. Public opinion, the Press, and the conversation of the inhabitants, one with another, would operate as checks upon any lavish or extravagant expenditure. He should certainly give his decided support to the Bill.

Lord *John Russell* said, that if the Bill were pressed to a third reading, he should certainly be compelled to oppose it. He did not think that the compulsory establishment of public libraries, or other such institutions under the system proposed, would have the good effect contemplated by the hon. Member. The question of public education was a really national one, and he had always been of opinion that, as a principle, public education should be made a matter of public charge. Those, however, who were connected with the conduct of public education in this country, stated, and certainly with much force, that so long as it was conducted by voluntary societies and committees, bodies which took the greatest interest in the promotion of the subject, it would thrive; but if the thing were made a matter of public charge, the people contributing to the charge would of course have a right to elect the governing bodies, and the probability was, that the majority of such electors would be altogether indifferent on the subject. What was thus stated with great force in reference to actual education, might be applied with ten-fold force to the establishment of public institutions and public walks. At present in almost every town might be seen splendid establishments of this kind erected by voluntary contributions at the cost of many thousands of pounds, and managed by societies or committees, who all felt a deep interest in the success of their respective institutions. Now if a compulsory tax were laid down for the maintenance of these establishments, he (Lord J. Russell) much feared that they would be material sufferers from the change, both from the objection to the taxes, and the probable indifference of most of the parties who would be intrusted with the management of them. These were the reasons which induced him —more particularly at this late period of the Session, when so many Members had formed themselves into a Committee of Recreation—to object to the measure; and if any attempt were made to press its third reading, he should most certainly oppose it.

Sir *John C. Hobhouse* would be inclined to agree with those hon. Members who were for throwing out the Bill altogether. He had no idea that the Bill would have passed the second reading, and so far as he was individually concerned he had made up his mind to give it the most decided opposition. Was not legislation upon such matters as the following most absurd. He would read only the side head :—"Objects to be secured by public walks and public halls: fires to be lighted, and chairs to be provided for social meetings." The idea of providing tables, chairs, &c., for the use of the public hall was absurd as a piece of legislation. The hon. Member perhaps meant well, but it did not shew as much discrimination as he should expect from the maturity of the hon. Member's judgment. He should most decidedly oppose the Bill.

Mr. *Warburton* objected also to the principle of the Bill. He was afraid, if compulsory taxation were resorted to, it would make instruction unpopular among the people. The proposed institutions bore the same respect to scientific institutions as the Established Church bore to other religious establishments.

Mr. *William Smith O'Brien* was in favour of the measure, and wished to see the Continental system introduced into England. He hoped that hereafter, not only with reference to that institution, but to all others of a similar kind, they would encourage the principle of local assessment, for the purpose of erecting establishments of this kind. He would give to the poorer classes of the community those opportunities of rational and intellectual enjoyment, which were now denied them; and thinking that this Bill would in some measure have such an effect, he would support it.

Mr. *Buckingham*: The British Museum was supported by a compulsory assessment, levied on the country, and so was the National Gallery. The majority had to decide, and the minority were bound to assent to the agreement. But this Bill was not compulsory,—fifty rate-payers must first sign the requisition before a meeting could be held, and when that meeting was held two-thirds of the rate-payers must give their assent, with the knowledge that they must themselves pay the rate. This Bill would have a strong tendency to raise the moral habits of the working classes. Many men after their working hours were desirous of indulging their social feelings in talking with their neighbours; this at present they could only do at the public-house, where they proceeded for this purpose, and not, as he believed, to drink. This Bill would provide places of recreation free from the temptation of strong drink. He hoped, therefore, that the House would permit the Bill to pass through Committee; and if, after it should be amended, the sense of the House should be decidedly against the Bill, it might be expressed on the third reading.

Mr. *Ewart* had the greatest respect for this Bill, but he must confess that, in his opinion, its provisions would be better administered by the local Councils under the Municipal Bill. In the principle of the Bill he cordially agreed.

Mr. *Pease* reminded the Committee that two-thirds of the rate-payers must be brought to the poll, and must express themselves willing to incur the rate. They were the best judges of the habits and morals of the community who were to be served by this Bill, and he, therefore, felt bound to advocate its principle. The stopping of foot paths and Enclosure Bills had deprived the lower classes of many rational amusements, and it was desirable, therefore, in every way possible, to open to them new sources of innocent and healthful amusement. The assessment under this Bill must be, to all intents and purposes, voluntary; and he knew that in many places the majority of the rate-payers would avail themselves of the opportunity presented by this Bill. The great object of legislation should be prevention, not punishment; they had gone to the extreme on the other side, it was time now to try prevention. He looked at this measure as one that would be essentially beneficial to the working classes, and he would, therefore, support it.

Mr. *Tooke* would certainly take the sense of the House upon the Clause, unless upon the understanding that the Bill should not be passed. He would have done this earlier, but that the House was in such a state, that if he proceeded to a division, much public business would be impeded, and he certainly expected that this Bill would not be carried forward. He did not understand what was meant by saying that the rate was not compulsory. It was clearly as compulsory as any other rate or taxation in the district. The rate was to be agreed to, not by two-thirds of the rate-payers generally, but of those that attended at the meeting, which was a very different thing. He thought, also, there ought to be some limit, say 20*l.* or 30*l.*—some given amount under which persons should not be rated; the money ought not to be levied on the humblest and the lowest classes. He had heard, with much regret, his hon. Friend say that he entertained any doubt about the passing of the Municipal Reform Bill. That Bill would certainly pass—and ultimately in a manner satisfactory to the country. He thought that the provisions of this Bill and its principle could be most beneficially carried into effect under the authority and the auspices of the Town Council under the Municipal Reform Bill. He entreated his hon. Friend to consider the inexpediency of pressing this Bill. Many of its provisions would depend in a great measure upon the provisions of the Bill now in progress through the other House. Some legislation would be thereby saved, and he hoped his hon. Friend would see the expediency under all circumstances, and considering the late period of the Session, of not proceeding further with the labour of this impossible Bill. He had no objection to allowing it to be amended in Committee, upon the understanding that it should not be pressed to the third reading. If the hon. Member conceded, he should be happy to suggest such alterations and amendments as had occurred to his mind upon a cursory perusal. If, however, the hon. Member insisted on dragging the Bill through the House, he would take the sense of the Committee upon this Clause, and—though he regretted he had not done so on an earlier day—upon the principle of the Bill.

Mr. *Ruthven* was very averse to giving so much power to any individuals as was done by this Bill, and therefore he would oppose it. He thought the Bill one entirely for the rich, and not for the poor. Mechanics' Institutes were much more useful and convenient. Tea-gardens, &c., were not fitted for the habits of this people—they were more manly than the habits of the people of other countries, where the public gardens abounded.

Mr. *Wakley* much regretted that such opposition was now offered to the measure; but under the circumstances, he hoped his hon. Friend would consent to withdraw the Bill for the present Session, rather than have it rejected, or subject the House to the odium of throwing out so beneficial a measure. So far from the House objecting to a compulsory tax for the purposes of public institutions of this description, they ought to promote their increase to the greatest possible extent. They were indispensably necessary as some set-off against the multitudinous and enormous barracks, gaols, and workhouses, which in their splendour were a deep disgrace to the country. The promotion of such institutions as those now proposed, would have the effect of speedily putting an end to the necessity for the other description of establishments. No subject was more important than the diffusion of education. The voluntary system had been tried, and had failed: another must be adopted. For upwards of four hundred years had we been in possession of the glorious art of printing, yet what was the existing state of the public mind? He would illustrate what that public mind was, by an example or two which had lately come under his notice. He happened to be down in Devonshire at the last election for that county; what were the reasoning faculties of the farmers there, who were brought up to vote against the noble Lord (John Russell)? What were their alleged reasons for their opposition? "Augh," said they, "we woant ha' na Lard Jahn Rissell! we woant ha' na reform! we woant ha' na Pooap!" He asked one of them, "Would not you prefer coming in an independent way to vote, and not being brought up in your landlord's train?" "Can't zay (said the man), I ginerally comes a horseback." He asked another farmer, "Would you not like to go to poll by way of the ballot, my friend?" "Don't knaw, zir (said the farmer); I've a been always used to goo by way of Daalish." These, the hon. Member continued, were but specimens of the rest; and the long and the short of the matter was, that the public mind was in a state of the most melancholy darkness and mystification. It was, therefore, of the utmost national importance that the most speedy and effectual means should be adopted for putting an end to this almost universal ignorance. He hoped as the hon. Member for Truro persisted in his opposition, that his hon. Friend would withdraw the Bill.

Mr. *Buckingham* would certainly not withdraw the Bill, to be made the scapegoat of the House. If they objected to the Bill, let them throw it out. He would certainly press his motion.

Sir *E. Codrington* hoped the hon. Member would press it, to see who was against the Bill. Constant agitation upon the subject was the only way in which to secure success.

The Committee divided on the Clause: Ayes 20; Noes 36; Majority 16.

On the motion of Mr. Tooke, the Chairman was ordered to leave the Chair, and the House resumed.

List of the NOES.

Baring, F. T.
Becket, Sir J.
Blake, M. J.
Blamire, W.
Buller, Sir J. Y.
Clements, Viscount
Dillwyn, L.
Elphinstone, H.
Ferguson, Sir R.
Fielden, John
Hobhouse, Sir J. C.
Howick, Lord
Lefevre, C. J.
Lennox, Lord G.
Mangles, J.
Maule, Hon. F.
O'Ferrall, M.
O'Loghlen, M.
Parker, J.
Pelham, C.
Perceval, Colonel
Phillipps, C. M.
Poulter, J. S.
Rolfe, Sir R.
Ruthven, E. S.
Ruthven, E.
Russell, Lord J.
Smith, R. V.
Somerset, Lord G.
Stanley, E. J.
Steuart, R.
Stuart, Lord Dudley.
Twiss, H.
Tynte, C. K.
Walker, C. A.
Williams, W. A.

TELLER.

Tooke, W.

List of the AYES.

Baines, E.
Baldwin, Dr.
Boldero, Captain
Bridgman, H.
Buckingham, J S.
Codrington, Sir E.
Ewart, W.
Jephson, C. D.
O'Brien, W. S.
O'Connell, D.
Pease, J.
Pechell, Captain
Roche, W.
Ronayne, D.
Thompson, Col.
Tulk, C. A.
Wakley, T.
Walker, R.
Warburton, H.
Wilks, J.

TELLER.

Wyse, T.

Bill postponed *sine die*.

CONSTABULARY FORCE—(IRELAND.] Viscount *Morpeth* moved, that the House would go into Committee on the Constabulary Force in Ireland Bill.

Colonel *Perceval* would like to know on what grounds the Government attempted to degrade the unpaid and independent magistracy of Ireland by depriving them of the power of selecting the police—a duty for which no men were more competent, being men of property, and interested in the peace and well-being of the country? Why should these men be set aside, and that power transferred to some creature of the Lord-Lieutenant? According to the present Bill, they were to have inspectors for each county, and separate paymasters. He admitted one-half of the expense of that was to be paid out of the Consolidated Fund, but the other half was to be paid by the county. Again, there was to be one inspector, not less than four sub-inspectors, and not less than six chief constables, or more than eighteen. At present they had only four chief constables, and one inspector who acted as paymaster. He challenged the noble Lord to state any ground for this measure, which would have the effect of inflicting double the present expense on all the counties in Ireland. In his opinion the Bill was absurd throughout; the whole control was given to the Lord-Lieutenant, and he might exercise the capricious authority that was given him as he chose. There was an oath appended to the Bill, which he wished to know from the noble Lord whether it was intended to operate in aid of that oppression which had hitherto been exercised towards Orangemen, and whether all men belonging to Orange Societies were to be called upon to take that oath before they entered into the police? He wished to know whether that oath was intended as a trap to catch them, in order that they might be punished as the men at Ross were?

Viscount *Morpeth* thought with the hon. and gallant Member, that second thoughts were generally best; but he considered that the hon. and gallant

Member had taken a most erroneous course when he altered his first impression in favour of the Bill. The hon. and gallant Member had asked, whether his Majesty's Government intended by this Bill to pass any slur upon the general body of the Magistracy and the police force in Ireland. He begged to assure the hon. and gallant Member that his Majesty's Government had no such intention or motive, nor had they brought forward the Bill with any such design. He admitted the police force of Ireland to be on the whole a valuable institution, contributing largely to the public peace and welfare; but there was a general want of control in its management, and there were many imperfections about it which, if brought under strict control, would make it much more serviceable. With respect to the Magistrates, his Majesty's Government, in doing what they had done by the present Bill, were only following an example which in many counties had been set by the Magistrates themselves, who had voluntarily resigned their power, believing that it would be exercised much more for the public good by the highest and most responsible quarter—the Government of the country. It was well known that the constabulary force in Ireland was divided into four portions, according to the provinces, without any head, and all the finance and internal arrangements were thrown upon the Under Secretary, who had duties enough otherwise to perform. It was for this reason that the Government proposed to appoint one Inspector-General, residing at Dublin Castle, instead of the four provincial Inspectors-General. Their salaries amounted to 5,432*l.*, while that of the new Inspector-General and his deputy would be only 1,600*l.* It was also proposed to appoint an Inspector for each county, and to intrust the duty of Paymaster and Storekeeper to a clerk, with a salary of 100*l.*, but these salaries were all subject to the opinion of the House in Committee. It was not intended to interfere with the existing police force, and the Lord Lieutenant would have a power of increasing that force when occasion required it. He was opposed to any increase on the burthens of the people; and it would be seen that the expense of the proposed force would not exceed that of the present one. He estimated it thus. Under the contemplated plan, the salary of the Inspector would be 1,000*l.*—the Sub-Inspector, 660*l.*—Inspectors of counties, 11,900*l.*—Thirty-two Paymasters and Clerks, 3,200*l.*—Eighty Sub-Inspectors, 7,400*l.*—Two hundred and fifty-six Chief Constables, 12,500*l.*—and besides this there would be a subsidiary force, whose pay would amount to about 1,687*l.* The whole forming a total of 41,200*l.*; while the expense of the system as at present constituted was 44,239*l.* But the largest reduction, and that from which he hoped to derive the most beneficial results, was from the Superannuation Fund that he proposed to introduce. The gallant Member had adverted to the oath proposed to be taken by the police officers, and from the stress which he laid on the oath, it would appear that it had most excited his anger. It seemed to him (Lord Morpeth) that the very words of the oath signified, that it was not to have a retrospective tendency. The officer was to swear that he "does not now belong to, and will not join any secret or political society whatever." No one, therefore, could complain, as unless he was prepared to take the oath he need not present himself. If any Orangeman was at present an officer, he would have an opportunity of considering whether he should remain in the police or retire from it, but if he did not choose to leave such secret societies, he would be debarred from keeping his station in the police force. And surely when the noble and gallant Member told them that there were few recruits for the army or the police that did not belong to secret or political societies, and when he saw the hazard that these societies were to the peace and good-will that ought to prevail in Ireland—surely it was time to look to the state of the Army. The police ought not to have a suspicious character among those whose peace they were to protect, or if they thought—no matter how erroneously—that they were leagued in societies contrary to their interests, and that they existed only to exert an injurious supremacy over them. Respecting the case of New Ross, the police were dismissed from the service because they declined to answer questions which were put to them, and not because they belonged to Orange Lodges. They refused to answer questions that were put to them in the course of an inquiry which it was thought by the Government to be incumbent on them to prosecute. He would not offer any further observations on the general character of the Bill, but there were certain points which he should be very ready to discuss at the proper time.

Mr. *Shaw* contended that the effect of this Bill would be to vest immense power and patronage in the hands of the Irish Government, and to supersede the Magistracy of the country. He did not object to there being one Inspector to the whole police force, but he wished to make some observations respecting the second clause --that relating to County Inspectors, which appeared to him to be a most important Clause. They were to have Inspectors for every county, and these were to take forthwith the oath taken by Justices, and, therefore, to become Justices of the Peace. If this were so, and they were to have salaried justices of the peace, these inspectors would virtually supersede the unpaid magistracy, and this introduced, in his opinion, a most impolitic principle. There would be no saving of expense, but even if it did, they would be obliged to purchase it at too dear a rate. He thought it a very dangerous and unconstitutional principle respecting the oath proposed to be taken. The noble Lord had let out what had led to the adoption of that oath. It was to exclude Orangemen.—[Lord *Morpeth*—" All party men."] He did not think so. The noble Lord had said that if an Orangeman were to present himself, he must be prepared to leave all secret societies. Respecting the inquiry at New Ross, he thought the proceeding was illegal—it was not only contrary to the constitution but to the law. It seemed to him unconstitutional to oblige the police to clear themselves by what was called a voluntary affidavit. He thought the system of persecution (for persecution he would call it) carried on by the Irish Government would not have the effect desired. There was, he contended, on the part of the Government of Ireland a spirit of persecution carried on by a particular class. The tendency of this would be, and had been, to increase the very body they were endeavouring to put down. Suppose a law were passed to exercise such authority over his gallant Friend, as to say to him, that if he did not cease to be an Orangeman, he should not have a seat in that House—he was sure that his gallant Friend had too much spirit to yield to such authority, and he could tell the noble Lord, that the more he proceeded with persecution against these Societies, the more they would increase. He must, at the same time, say, that he was opposed to these Societies, and he was opposed to this persecution, because it would lead to the establishment of such Societies. It was symptomatic of an unsound state of society. He did not deny that these Societies ought to be discouraged, but it was not possible to put them down by the means adopted by the Government. In this case the oath proposed to be taken would not reach those whom it ought to be intended for. The Riband-men would be able to swear that he no longer belonged to any secret or illegal body, and yet substantially he would still belong to it. These parties had too well learnt the lesson that had been taught them. They knew too well how to evade all tests of this nature. The hon. and learned Gentleman opposite (Mr. O'Connell) had often boasted that he could drive a coach and six through an Act of Parliament, and did the noble Lord think that these Riband-men would not find advisers to show them how to evade this Act of Parliament. He did not see how the Bill could be made effective, for the fact was that the Orangemen called their Society a religious Society. It was useless to attempt to legislate for such a state of society as that in Ireland upon general principles. He could not but deprecate this measure, and he must say that since the noble Lord had administered the affairs of Ireland, he had done very little to obtain the confidence of the Irish gentry, whose Church he had taken away, and now sought to deprive them of their independence.

Sir *Edmund Hayes* thought there was nothing so objectionable in the principle of this Bill as to lead the House to refuse going into the Committee. He certainly did feel at first that the expenses were likely to be much increased by it, and consequently felt much hostility to the measure; but he must confess that the statement of the noble Lord led him to suppose that he had been in some measure mistaken. He did hope that this would not be made a party measure, by introducing topics calculated to excite animosity and warmth of language wholly unconnected with the subject; there were surely topics enough upon which to exercise the weapons of party warfare, and he did feel that not only had it a bad effect in the House, but also upon those who were interested in their proceedings out of it, to perceive that even a question which was almost purely financial, and bearing upon the internal regulations of a county, was mixed up with party considerations; neither did he agree with the right hon. the Recorder, that the Inspector of Police in each county, being also a County Magistrate, would have the effect of superseding the local magistracy, and was likely to prove very injurious. He (Sir E. Hayes) thought it highly desirable that the head of the police should have the commission of the peace; there were many cases where the police could not act except in the presence of a magistrate, and in which the local magistrate, from many causes, might be reluctant to interfere; for instance, in tithe seizures. He certainly felt some jealousy upon the Government monopolizing the appointment of constables; there was a grasping disposition and a desire manifested to transfer to Government too much of the management of local affairs, and take it from the hands of those most interested in their good arrangement; the magistrates were more likely to know persons fitted for the situation than the Government, and none were more concerned in the efficiency of the force; there was a great inconvenience and danger in making the police too independent of the magistracy. On the whole, he would not object to go into Committee—at the same time he was determined to oppose every Clause which tended to increase the expense.

The House went into Committee—the Clauses were agreed to—and the House resumed.

AMENDMENT OF THE MARRIAGE ACT.] Mr. Twiss moved the further consideration of the Report on the Bill for amending the Marriage Act. On the question that the Amendment be read a second time,

Mr. Plumptre moved an Amendment to the effect that an exception should be made in favour of the sisters of a former wife, when there were children by that wife under twelve years of age.

Mr. *Twiss* could not agree to this suggestion of the hon. Gentleman, and trusted that he would not press his Amendment, because if he did, he would endanger the Bill in another place. He did not mean to use this as an argument against the Amendment, but simply threw it out as a suggestion to the hon. Gentleman.

Dr. *Lushington* said, that the law was at present in a most objectionable state. If a man had married, for example, any of his wife's relatives, up to her sister, it was at the option of any party, either because it was to his interest or at the suggestion of a hostile feeling, to proceed against the individual so marrying, and annul the marriage. The proceedings, however must be taken and concluded during the life-time of the individuals, otherwise the marriage was held to be legal, and the children became legitimate. One great objection to the existing law was, that it encouraged people to its violation by affording them the prospect of an escape from any of its penalties; another was, that parties who had contracted such marriages frequently, where property was concerned, passed their whole lives in great anxiety; and instances had come to his knowledge in which, to avoid a threatened prosecution, they had submitted to repeated extortion. The Amendment proposed by the hon. Gentleman involved an important question, and one upon which he had not yet made up his mind. He admitted the advantage to be gained in those cases in which a man married the sister of his wife when there was a young offspring; but on the other hand it was a subject for grave consideration, whether it might not be exceedingly dangerous with reference to the peculiar situation in which such connexions were naturally placed, and the great temptations to which they were subject, to encourage the feelings that might spring up between them. The consequences would, perhaps, be, that the wife during her life-time would have her jealousy excited, and suffer considerable anxiety and pain. Under these circumstances he hoped that the hon. Gentleman would not press his Amendment; for it was impossible at this period of the Session it could have the consideration due to its importance. He believed he had said enough to satisfy the House that so much of the Bill as went to legalize all such marriages as had taken place, or that might take place of the nature he had described, ought to be passed into a law without delay. He trusted that the hon. Gentleman would withdraw his Amendment.

The House divided on the Amendment,

when forty Members not being present, the House adjourned.

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HOUSE OF LORDS,
Wednesday, August 19, 1835.

MINUTES.] Petitions presented. By Lord FITZGERALD and VESEY, from Ballino, against the Irish Corporation Bill.—By Lord LILFORD, Lord HATHERTON, and Viscount MELBOURNE, in favour of;—and by Lord FARNHAM, from Trim and Limerick, the Duke of BUCCLEUGH, Earls WINCHILSEA and BROWNLOW, from several Places, —against the Corporation Reform Bill.—By the Duke of WELLINGTON and the Earl of WINCHILSEA, from Dublin, against;—and by Viscount DUNCANNON, from two Places, in favour of the Irish Corporations' Bill.—By Lord SALTOUN and the Earl of VERULAM, from Thurso and St. Alban's,—against the Imprisonment for Debt Bill. —By the Earl of WINCHILSEA, from Killallen and Killeshandra, against Allowing Roman Catholics to Vote at Elections.—By the Duke of WELLINGTON, the Marquess of WESTMEATH, Earls BANDON, WINCHILSEA, WICKLOW, and HADDINGTON, Lords CARBERY and SKELMERSDALE, the Bishops of LONDON and of BATH and WELLS, from a Number of Places,—against the Irish Church Bill. By the Duke of BUCCLEUGH, from Bathgate, for Protection to the Scotch Church.

THE CHURCH (IRELAND).] Lord *Carbery* presented a Petition from the inhabitants of Bandon and its neighbourhood, in favour of protection to the Irish Church. The Church of Ireland had never had fair play before the period of the Legislative Union. Till then it was a political matter, not a matter of religion. The cathedral houses instead of being occupied by the clergy, who, by their conduct and character, might shed a lustre over the country, were hired out to tenants who would occupy them. That was not the case now. The clergy at present were as pious, as excellent, and as well conducted a body of men as could be met with anywhere. When he first went to reside in the county with which he was particularly connected, that was about forty years ago, there was a district where there were sixteen parishes, nine churches, and but three resident clergymen, now there were in that same district sixteen churches, and fifteen resident clergymen, and the sixteenth was incapable of residing, on account of ill health. It was of no use to have clergymen without giving them churches. Forty years ago there were but a few parish churches, and then of course the Protestant clergy laboured under great disadvantages. Since churches had been built for them or repaired, and they had had places in which to perform their duty, they had performed that duty with advantage to the people and honour to themselves. Who was it that visited the bed of the sick man, and administered religious consolation to him, who but the Protestant clergyman? It was to him, that the Roman Catholic peasant most looked for kindness and support, and consolation, and now that there was a resident clergy in Ireland, he looked to it to produce the happiest effects.

Petition laid on the Table.

The Bishop of *Exeter* begged to move for a paper, to the production of which he believed there would be no objection. The noble Marquess, the President of the Council, had made a similar Motion on a previous occasion; and he had copied the form of that Motion, and inserted in it the papers he now wished to be produced. The noble Marquess's Motion was for a Return of the incomes of the parochial clergy of Ireland. His Motion was to have a Return of the same sort, but to confine the return to one diocese. The paper now before their Lordships was not useful, because it extended over too wide a space. He wanted specimens, from which they might see the nature of the incomes of the Irish clergy: he had, therefore, chosen the parishes in the small dioceses of Clonfert and Clogher. He moved for a Return of a calculation of the incomes of the clergy of those two dioceses before the Church Temporalities' Bill, after the Church Temporalities' Bill, and the probable amount of those incomes under the Bill now proposed.

Viscount *Duncannon* said, that there was no objection to the Return, if it could be obtained, but he doubted much, whether it could; and he begged also to observe, that the paper moved for by the noble Marquess, were those which were already on the Table of the other House of Parliament, which could be presented at once; but even if those now moved for could be obtained at all, it was quite clear, that they could not be obtained in time for the discussion of this Bill.

The Bishop of *Exeter* said, that it was necessary that these papers should be obtained, and he must be excused if he persisted in his Motion.

The Earl of *Wicklow* had understood, that there was no objection to the production of these papers.

Lord *Hatherton* said, that reference had been made to certain papers now on the Table of the House of Commons. He knew the way in which those Returns had been made, and perhaps he might be permitted to state it, in order to show the difficulty that would exist as to complying with the Motion of the right reverend

Prelate. Those Returns had been made for the use of the Chief Secretary of Ireland; and having them in his possession, he thought that they might be useful in the House of Commons, and had, therefore, moved that they should be laid upon the Table, and then produced them himself. They were not Returns prepared by any known public officer, to whom the orders of this House could be directed, and therefore he suggested to the right reverend Prelate the propriety of not pressing the Motion, as he did not know the quarter to whom the order of the House could be issued to make a similar Return.

The Bishop of *Exeter* had not sufficient confidence in the predictions of the noble Baron as to the difficulty of preparing the Returns to induce him to withdraw the Motion. He did not know what authority the noble Baron possessed to stop a Motion for papers when any Member of that House thought fit to make it. He thought, that it was rather premature of the noble Baron to foretel what could and what could not be done in the office of which he was not now a member. The proper officer to whom this order would be directed would know how to make the proper Return to it: and if the order could not be complied with, he should be the last man in that House to press any proceeding against the officer. But till such a Return was made, he must repeat, that it was premature in the noble Baron to attempt to stop the Motion in this way.

Lord *Hatherton* said, that he hardly thought the right reverend Prelate was justified in using the harsh tone and manner he had assumed on this occasion. He had never pretended to have any authority on the subject, nor had he interposed as if with authority to stop any Motion. He had merely mentioned from his own knowledge, a circumstance to show how difficult it would be to get such a Return as the right reverend Prelate wished for, and to say, that even if it could be obtained at all, he doubted whether it could be obtained in time for the approaching discussion. He repeated that doubt now, and begged to add, that the paper asked for, would require not a few days, but several weeks, to prepare it. He really had only meant to give the right reverend Prelate some useful information, and he begged again to offer it for the right reverend Prelate's consideration.

Viscount *Duncannon* had said, not that he objected to the production of the paper required, but that he believed the paper could not be produced, if produced at all, without much delay. It was true, that a similar paper—not the same—had been laid on the Table of the other House of Parliament; but then the way in which it happened to get there, had been satisfactorily explained by his noble Friend.

The Bishop of *Exeter* said, he must persevere in his Motion. The question was put.

The Marquess of *Lansdowne* said, that he must beg to suggest to the right reverand Prelate the insurmountable difficulty already alluded to by his noble Friend. Where no office existed, bound to furnish any particular kind of document, it was impossible to make an order for the production of such documents. He really could not see how the order could be issued, or to whom it could be directed.

Return ordered.

The Duke of *Cumberland* presented a Petition signed by seventy-three of the senior and junior fellows and scholars of the University of Dublin, for protection to the Established Church of Ireland. The petitioners expressed their hope that their Lordships would see, as they did, the danger with which that Church was threatened in that Bill which had now come from the other House of Parliament, and which they were to take into consideration to-morrow. He moved, that the petition be read. It was read, and he then added, that he concurred most completely in the prayer of it.

Lord *Plunkett* thought it necessary to make a few observations upon this petition. Their Lordships might perhaps be aware, that the governing body of Trinity College, Dublin, was limited to a small number of persons, and that to them alone appertained the right of affixing to any document the corporate seal of the University. The seven Senior Fellows, Provost, and Under-Provost, formed the governing body of the University. He had reason to know, that an attempt had been made—a most injudicious attempt, as he thought—to procure from the Senior Fellows and the governing body a petition similar to that which had now been presented. The persons, however, who presided over the University, had the prudence and the good sense to decline becoming parties to any such proceeding. The majority of the Senior Fellows, too, had been averse to the proceeding. It was true, that this was a Protestant University; but it was also true, that it was part of a system of national education; and one of the great advantages derived from this latter circumstance had been, that till a very late period the Roman Catholics of the country educated at the College had lived in harmony with the Protestants, and that those quarrels which unhappily had disturbed the peace of the country at large had not intruded themselves within the walls of the University. He considered it deeply to be regretted, that any change should have taken place in that matter. He could not omit taking advantage of this opportunity to bear his testimony to the good sense of the governing part of the College, and to express his regret that an appeal, as it were, had been established from them to the Junior Fellows, amongst whom, he was sorry to say, there had been latterly manifested a spirit, which, until now, had not been known to belong to them. He was sorry to say, that lately politics had been introduced among them, not to the advantage of literature; and a bigoted feeling was admitted, and secret associations, Orange lodges, had been introduced, productive of almost as much mischief as the same things had produced in other parts of the country.

The Duke of *Cumberland* had never before heard one word of the attempt alluded to; at the same time he must be permitted to say, that he should be extremely surprised if any Members of the University, feeling, as they ought to do, the danger with which the property of the Church was now threatened, had not manfully come forward in support of that religion which they were bound to defend. In so far, therefore, he differed from the noble and learned Lord. He did not mean to say, that there should be anything to create quarrels and feuds in the University; but when a great question like this arose, in which the Protestant religion was interested, and the property of the Protestant Church was to be taken away, so that the Protestant religion was not to be propagated in the way it had been, he must say it was the bounden duty of every Protestant to come forward. With respect to Orange Lodges, he knew not whether there were any in the University. He could most positively say, that he had never countenanced Orange Lodges in the University of Dublin. He knew, that he had often been attacked for that, but he cared not for these attacks, for he declared positively, that he had never countenanced any Orange Lodges in any place where orders had been given by the proper authorities, that they should not be held. He stated this openly, and he cared not what was said about it.

The Earl of *Wicklow* had been much surprised to hear a Protestant Lord Chancellor, in a Protestant country, under a Protestant King, declare his regret that a Protestant University should petition this House in favour of the Protestant Church. The noble and learned Lord had said, that recently there had been a want of unanimity in the University; that might be the case, but he had omitted to state from what period it was that these disagreements had arisen. Had it been from the passing of the Roman Catholic Relief Bill—had that been the cause of them? If that had not been the cause, had they arisen from the coming in of the present Ministers, who in all their measures had declared that their object was to promote the unanimity of all classes in the country? He feared that this want of unanimity and these disagreements had arisen from the mal-administration with which the Government was carried on, and that that had sown these seeds of dissension, and it was rather extraordinary that an individual who was a supporter of the Government, who had aided in these measures, should be the person to state that these disagreements were of recent occurrence. He had several petitions to present similar to that which had just been presented by the illustrious Duke, all praying for protection to the Church, and expressing a hope that their Lordships would not consent to adopt two enactments in the Bill, one for the sequestration of livings, and the other for the transfer, to secular purposes, of any part of the ecclesiastical revenues. Some few came from his own county, and contained, besides, a prayer that was in some measure connected with the same matter—namely, that the qualification of persons entitled to vote for Members of Parliament might be raised, for it was now so low that the electors were often a class of men who were not sensible of the obligations of an oath, and who returned persons to Parliament who did not represent the wishes of the country, and who ought not to find an entrance into the House of Commons.

Petition laid on the Table.

Corporation Reform.] Viscount *Melbourne* presented a Petition from Bury, in Lancashire, in favour of the Municipal

Corporations' Bill. The noble Viscount stated that he had in his hand a letter from Mr. Wilkinson, one of the Corporation Commissioners, written from Newcastle, of which place the learned Gentleman was Recorder, stating that he had only received on Saturday last the official Report of the evidence taken at the Bar of their Lordships' House, and denying, so far as he was concerned, the statements made in that evidence, and justifying the Report he had made.

The Duke of *Cleveland* said, that he took that opportunity of stating that the learned Gentleman had long been known to him, and that a more just and honourable man, and one more able and fitted for the situation he occupied could not anywhere be found.

Lord *Teynham*, on bringing up the Report of the Committee, would move that the amendment adopted upon the 25th clause, and requiring a property qualification in the Town Councillors should be abrogated, and that the Bill should be restored to its original state. He was sure that this ought to be done. The Corporation Reform Bill was the first fruits of the Reform Act, and the people were entitled to it. As a proof of the spirit in which the people had received their Lordships' amendments, he might mention that at a public meeting at Birmingham, consisting of 10,000 people, with the High Bailiff in the chair, it had been deliberately resolved not again to address their Lordships' House by way of petition. Petition laid on the table.

THE NEW HOUSE OF PARLIAMENT.] The Earl of *Wicklow* begged to ask the noble Viscount opposite (Lord Duncannon) whether any steps had been taken towards preparing a more convenient House for their Lordships before next Session?

Lord *Duncannon* said, that since the question had last been before the House, the other House had voted a sum to defray the expense of a temporary building for their Lordships' accommodation. Since that time he had had many communications with several of the architects upon the subject. He expected shortly to be able to give instructions whether the building should be proceeded with or not. Meantime he might state that Sir Robert Smirke had given in his estimate under the impression that the building should be proceeded with at once, whereas now the greater part of the building season had passed, and the estimate for building, during the short days, would be necessarily higher.

The Duke of *Richmond* suggested to their Lordships that it was really not worth while to go to the expense of building a temporary House. It was true, that the present House was inconvenient, but the other might be equally so. He was fully sensible of the liberality with which the House of Commons had come forward, on ascertaining that their Lordships were inconvenienced in their present place of meeting, but he hoped that their Lordships would not avail themselves of the offer made, but would continue to occupy the present House until a permanent one was built.

Lord *Duncannon* thought the best way would be to re-appoint the Committee, and refer the whole matter to it. He would therefore move that a Select Committee be appointed to consider the Report upon any plan submitted to it for the erection of a temporary House of Lords.

The Marquess of *Lansdowne* stated, that in the event of a temporary House not being built for the accommodation of their Lordships, there was an understanding that as the other House was better provided with accommodation than their Lordships, a preference should be given to their Lordships' House, and it should be first built.

Motion agreed to.

MILITIA STAFF REDUCTION BILL.] Viscount *Melbourne* moved that the House resolve itself into a Committee upon this Bill.

The Duke of *Wellington* did not mean to oppose the Bill, as he felt that it would be useless to send it back to the other House; at the same time he thought that the militia staff ought to be remodelled, and put on an efficient footing, especially considering the good services which they performed in 1830. He was willing to co-operate with his Majesty's Government in forming an efficient permanent system of militia.

The Earl of *Westmoreland* opposed the Bill, on the ground that it would lead to the absolute destruction of the militia. He recommended the omission of all the compulsory clauses; leaving it to his Majesty's Ministers to make such reductions as they thought fit. When the proper time arrived, he would move an amendment to that effect.

The Duke of *Richmond* entirely concurred with what had fallen from the noble

Duke (Wellington), whose victorious troops had been frequently recruited from the ranks of the militia. He could only consent to vote for the Bill on the understanding that Ministers would bring in another measure next Session to render the militia effective. If the Government had found that the Colonels of Militia had misconducted themselves in allowing their troops to be used for jobbing purposes, or to remain inefficient, he would advise them to recommend their immediate dismissal to his Majesty.

The Duke of *Cumberland* eulogized the Militia, than whom a finer or better regulated body of men never existed. He hoped Government would come forward next year with some measure to re-establish the force.

The Earl of *Glengall* hoped the Bill would be withdrawn, and a complete general measure brought in next year.

Lord *Teynham* was of opinion with the noble Duke (Richmond) that the Militia should be made an efficient and an available force.

The Earl of *Wicklow* expressed his regret that his Majesty's Ministers should have brought forward, at so late a period of the Session, a measure which would have the effect of discouraging a most useful force.

The Marquess of *Salisbury* called upon the noble Lords opposite to state, as the advisers of his Majesty, that they did not intend to destroy the Militia, but to increase its efficiency.

Viscount *Melbourne*: The noble Marquess called upon him to answer the call he pleased to make, and to say so and so which he dictated. He certainly should say nothing of the kind; he had said in the Committee, and he repeated it now, that in his opinion the Militia should be sustained; he had said it should be supported; he had said it should be improved; he had said it should be ameliorated to render it more efficient for its purpose; but he had distinctly said also, that he did not pledge himself to maintain the Militia Staff in the manner in which it had been heretofore maintained in this country. This was consistent with his declaration in that House, that he considered it bad policy that at the end of the war it should have been preserved in the form it had then been, and in which it had ever since remained. The men who were to be discharged without pensions were to receive six months' pay: those who preferred a claim to pensions were to receive three months' pay, which would support them during the consideration of their respective cases; and those who were considered entitled to pensions would, in compliance with the usual mode of proceeding, receive three months' pension in advance.

The Bill was read, the clauses agreed to, and the House resumed.

HOUSE OF COMMONS,
Wednesday, August 19, 1835.

MINUTES.] Bills. Read a second time:—Glass Duties'; Registration of Voters' (Ireland).—Read a third time:—Imprisonment for Debt (Scotland); Arrestment for Wages (Scotland); Tithes Recovery; Tithes on Turnips; Sheriffs' (Ireland); Insolvent Courts'; Wood Duties'; Charities Commissioners'; Special Constables.

Petitions presented. By Mr. F. SHAW and Mr. BARING WALL, from several Places,—against the Church (of Ireland) Bill.—By Mr. M. PHILIPS, from Retailers of Beer in Manchester, for an Equalization of the Hours for opening and closing of Beer Houses.—By Sir G. CLERK, from Bothwell, for an Alteration of the Laws relating to Pew holding.—By Messrs. LENNARD and DIVETT, from two Places,—against the Duty on Spirit Licences—By Mr. AARON CHAPMAN, from Liverpool, against the Light Houses' Bill.—By Dr. LUSHINGTON, from St. Ann's, Limehouse, for a Clause in the Weights and Measures' Bill. —By Mr. SCHOLEFIELD, from a Society of British Artists, against the Appropriation of the National Gallery to the uses of the Royal Academy.—By Mr. O'CONNELL, from St. Mary's, New Ross, against any Alteration in the Timber Duties.—By the same, from Dublin, in favour of;—and by Mr. F. SHAW, from the same Place, against the Municipal Corporations' (Ireland) Bill.—By Mr. O'CONNELL, from St. John's, Newfoundland, for a Better Administration of Justice in that Island.—By Lord G. LENNOX, from Sevenoaks, and two other Places, against the Clause in the Poor-Law Amendment Act, relating to the Building of Workhouses; from the Agriculturists of Edenbridge, for Relief.—By Captain PECHELL, from Brighton, for some Legislative Enactment to regulate Fishing.

NEWFOUNDLAND—ADMINISTRATION OF JUSTICE.] Mr. *O'Connell* rose to present a Petition from Newfoundland, which was most numerously signed, and some of the signatures were highly respectable, complaining of the administration of justice in that country. They complained of the present Chief Justice Bolton, and they stated that in the year 1826, upon the granting of a new charter, there were provisions in that charter directing all rules of Court to be published for three months, and then transmitted for the sanction of the Crown, It appeared that in 1826 the names of the Juries were arranged in alphabetical order, and the jurors were directed to be called consecutively in that order. This was a perfectly fair mode of arranging a Jury, without reference to party politics or religion. This was the case till Judge Bolton was appointed Chief Justice, and his first step was to abolish the former Jury process. The result, as the petitioners complained, was that, instead of having an impartial Jury, the jury-box was now packed to suit particular purposes. They complained that the Chief Justice had come to the Colony a violent religious partisan. Before that time the Roman Catholic had his fuel drawn home for him by the Protestants, and the Catholics at their own expense built a church for the Protestants, so much were they then in amity; but the moment Chief Justice Bolton came there the case was altered, and he set the parties much against each other, and he had put down schools. At one time a paragraph appeared in a newspaper, complaining of a charge of his in a trial for a political libel. In place of proceeding legally, he had the writer brought before him on a charge of contempt of Court; and the Chief Justice, himself being a party, and without a Jury, sentenced him to imprisonment for three months, and a fine of *50l.* There were other charges in the petition, but he would not state them as they were not distinct. He would only lay the petition on the Table at present, and he trusted he should not be under the necessity of taking any further steps upon it.

Sir *George Grey* could not but regret that such a petition should have been presented. If the allegations of it were true, then there could be no doubt that Mr. Bolton had deviated from the strict path of his duty. With respect to the Juries, he thought Mr. Bolton had acted very properly, for in place of having a list of only eighteen, taken alphabetically, he had instituted a system by which forty-eight names were now taken in the same manner as in this country. With respect to the allegation with regard to the schools, Mr. Bolton, who was now in this country, assured him that all was untrue, because, though he had lent the Judge's chambers for a meeting with respect to them, it was one to which the Catholic Bishop was invited, and had nothing at all sectarian in it. With regard to the allegation of his having acted wrong in the libel case, he (Sir G. Grey) had no doubt that he had acted strictly legally; but the matter had been referred to the Attorney and Solicitor-General in this country, and they reported that though the Judge was strictly legal in his sentence for contempt, yet the practice for many years in the Courts of this country was against him, and the sentence, under their opinion, was remitted.

Mr. *Shaw* contended no man could blame Chief Justice Bolton for his regulation regarding Juries, which had met with the approbation of not only his colleagues, but the majority of the Colony. There was at present no religious difference prevailing among the inhabitants of the Colony. Mr. Justice Bolton positively denied ever telling the Jury to place themselves in the condition of the plaintiff; and from the conversations he had with him he considered him to be a man of cool temper, and not likely to be led away by any party excitement. More than that, he had seen some public documents bearing high testimony to the impartiality and ability with which Mr. Bolton discharged his duty; and he thought that an opportunity ought to be given him of stating the circumstances under which he had committed a person for contempt of Court. It was admitted that he had acted legally, and it should be remembered that there was a great difference between the administration of the laws in this country and in a new Colony. It was true that great party spirit did prevail there, insomuch that an editor of one of the newspapers was stopped on the high road, in the middle of the day, and had his ears cut off; but Mr. Bolton did not in any way participate in the causes of this excitement.

Mr. *Divett* begged the House to suspend its judgment on the case at present. He had been informed that many of the signatures to these petitions were in the same handwriting. He should merely observe, in conclusion, that the Chief Justice had received an address on leaving the Colony, expressive of the gratification of the inhabitants at the manner in which he had discharged his official duties.

Mr. *O'Connell* would only remark that the signatures had been open to the inspection of the Chief Justice's friends for several days. He begged to express his entire satisfaction at the statement of the right hon. Baronet, and he was sure the colonists would learn with great satisfaction the mode in which the case had been treated by his Majesty's Government. With respect to the change in the Jury process, he believed that it was a violation of the charter, and it was necessary to inquire into it. The charge of having acted in his own case had, he was glad to find, met the disapprobation of Government, and had received as severe a censure as could well be inflicted upon any judicial functionary. It had been urged by the hon. Recorder that the Chief Justice was a very cool man, and therefore could not be a party man. Why, he had known men as cool as cucumbers who were violent party and most bigotted men. It was also asserted that the Chief Justice had received an address on leaving the Colony; but probably the praise of one party was the severest censure that could be cast upon the judicial conduct of a Chief Justice, who ought to be independent of all parties.

Petition laid on the Table.

ORANGE LODGES.—COLONEL FAIRMAN.] Mr. *Hume*, in moving that Lieutenant-Colonel Fairman be called to the Bar, wished to put the House in possession of the reasons which induced the Committee on Orange Lodges in Great Britain to adopt the course it had taken in this instance. Having seen a letter-book containing the correspondence of Colonel Fairman, deputy Grand Treasurer and Secretary of the Orange Institution of Great Britain, which correspondence came down to March, 1833, the Committee found some letters of an important nature, that appeared to have been answered at a period subsequent to the last date contained in the letter-book. On being asked by the Committee whether he had not another letter-book, coming down to a later period, Colonel Fairman admitted that he had, but declined to produce it, on the ground that it contained communications having reference not only to the affairs of the Orange Institution, but also to private matters. The witness being then required to produce the book, and read such portions of it only as related to the Orange Institution, he finally refused to do so. The hon. Member proceeded to read extracts from the evidence of Colonel Fairman before the Committee, from which it appeared that the witness kept a letter-book containing communications respecting Orange Lodges, but he objected to produce it. It was exclusively his own, and he never laid it before the Grand Lodge. He considered himself perfectly warranted in keeping its contents secret. He admitted that he might have corresponded with persons who held Orange Lodges in the army in different parts of the world; such correspondence would appear in the letter-book. The book also contained a great number of private letters, and he objected to produce them. There were letters from himself to Lord Kenyon, which he considered private and confidential, although they might partly relate to the affairs of the Orange Institution. He was Deputy Grand Secretary to the Institution, and Lord Kenyon was Deputy Grand Master. He had received letters from Malta and the Colonies relative to Orange Lodges in the army, and was ready to lay these and the answers before the Committee. He had corresponded with the Duke of Gordon, but rather as a private friend than as an officer of the Orange Institution. He had no objection to produce the Duke of Gordon's letters. In fact, he made his objection more for form's sake than on any other account, and there was but little in his correspondence that he should object to read. The witness was finally informed, that if he did not reconsider his determination, the Committee would report to the House his refusal to produce the letter-book. Among this gentleman's papers letters had been found from Gibraltar and Malta, relating to Orange Lodges in the army. From a letter written in Gibraltar in 1832, it appeared that there were Orange Lodges in the Sappers and Miners, in the 12th Regiment, and in a battalion of the 60th Rifles. It appeared that a gentleman named M'Kellar had been introduced to Lord Kenyon, and the Committee held a recommendation of that gentleman from Lord Kenyon to Colonel Fairman, in consequence of which a warrant was granted to Mr. M'Kellar, signed by the Grand Master of the Orange Institutions of the empire, and authorizing him to establish Orange Lodges in Malta, the Ionian Islands, and other places. The Committee had before them a letter, stating this gentleman's progress in his undertaking, and the difficulties he experienced from the opposition of commanding officers in the Ionian Isles. Mr. M'Kellar communicated with Lord Nugent, who refused to allow him to found an institution of the same kind as an Orange Lodge, but under a different name. It appeared that an Orange Lodge had actually been established at Rome. The Committee had all the letters of the gentleman in question, but not a single answer. The Committee wished to have the answers in order to be able to trace the result of this proceeding, and lay before the House the operation of Orange Institutions, not only in Great Britain but in our foreign settlements and colonies. It would be for the House to determine, if they wished the Committee to prosecute the inquiry with effect, what measures should be taken for that purpose. The hon. Member concluded by moving that Lieutenant-Colonel Fairman be called in.

Colonel Fairman was called in, placed at the Bar, and interrogated by

The *Speaker*—Do you hold any and what office connected with the Orange Lodges of England and Ireland? Yes, I hold an office connected with the Orange Lodges of England.

What is the situation you hold? That of Deputy Grand Secretary and Deputy Grand Treasurer.

How long have you held those situations? For the last three or four years.

Have you attended to be examined before a Committee of this House appointed to inquire into the state of Orange Lodges in England and Ireland? I have for, I believe, the last five days.

Have you answered all the questions which have been put to you? Yes, I have, almost gratuitously I may say.

Was there any question which you have not answered, or rather which you refused to answer? No, not any question that I am aware of,

Have you produced any documents in your possession which were demanded of you? I have produced a variety of documents.

Have you produced all the documents that were asked of you? All that I considered public documents I have produced, or rather they were extorted from me.

Have you produced all that were required of you, or have you refused to produce any particular document? I do not know that I have. Everything in my possession I have given up with the greatest pleasure; no, not with the greatest pleasure, but the greatest readiness.

Have you any book that you have refused to produce? No, not any that I consider the Committee had any right to call for.

Is there any book that you have refused to produce, and which was required of you? Yes, there is one, a private book, which I have at home.

For what reason have you refused to produce this book?—Because I considered it a private book—a book which never was laid before either the Grand Lodge or the Grand Master, and for which, consequently, the Committee had no right to ask. I conceive I had a right to refuse its production.

Does that book contain any information respecting the proceedings of Orange Lodges?—It contains my answers to letters I received; but those letters more particularly relate to private matters, unconnected with Orange Lodges in the army.

Does it contain any official answers to communications, official communications, made by you connected with the business of Orange Lodges? A great many.

By Colonel *Perceval.*—Has any proposition been made to you to extract such letters as related exclusively to Orange Institutions? Yes.

I wish to know what was the answer of the witness to such a proposition? Being disposed to meet the wishes of the Committee I wanted to come to a distinct understanding that nothing else should be required. I refused the production of the book more upon public than private principle, and least of all upon Orange grounds.

Would the Committee come to the understanding that they were only to have copies of such letters in the book as relate exclusively to Orange Institutions? The question did not go to that extent. The idea was that this book contained the names of persons connected with the army. I said I could not, from recollection, say whether there were any such answers contained in the book; but that if, upon looking over it I found any, I would give them up.

Upon the understanding, as you have stated, that you would look over the book, and if there were any letters in it relating to military lodges, you would furnish them, did you offer to produce all matters relating to military lodges, that being the principal object of the inquiry?

Mr. *O'Connell* rose to order. [*The witness was ordered to withdraw.*] The hon. and learned Member then said, no distinction was made by the Committee between the military and the civil parts of the inquiry.

Colonel *Perceval* contended that the Committee were bound to confine themselves to the army only.

Mr. *O'Connell* said he must suggest to the House whether the line of examination which the hon. and gallant Officer opposite was pursuing was the proper one under the circumstances? The witness had been asked, not whether he had refused to give up all letters relating to Orange Lodges in the army, but whether he had refused to give up all letters whether relating to Orange Lodges in the army or not?

Mr. *Hume* would state exactly how the evidence before the Committee stood. The witness admitted that the book contained the copies of letters connected with the general question of Orange Societies, and when the Committee said that they were anxious to have all the information it contained before them, he then offered to furnish them with extracts from it, of all matters relating to the army, provided they would limit their demand to that. Of course the Committee refused to make any bargain with him of the sort, and in this way the matter rested.

Colonel *Perceval* said, that notwithstanding the lecture on evidence which he had received from the hon. and learned Member for Dublin, he must say that he could conduct the examination of the witnesses in as fair, manly, aboveboard, and impartial a manner as if he had taken the lesson which had been read to him. He would not, however, take the hon. and learned Gentleman's lesson.

Mr. *O'Connell* said that was no proof the hon. and gallant Officer did not want it.

Lord *John Russell* conceived that the hon. and gallant Officer had a right to put any question to the witness he thought fit.

Colonel *Perceval* was sure the House would do him the justice to admit that the question he had put to the witness was one which was calculated to extract from him answers which must prevent him from concealing anything even if he were so inclined, which evidently was not the case. He, therefore, did not deserve the attack which had been made upon him. But all he could say was, that he would rather be exposed to the hon. and learned Member's censure than be the object of his commendation.

Mr. *Warburton* conceived the objection of the hon. and learned Member for Dublin to the question of the hon. and gallant Officer related to the words "that being the principal object of appointing the committee."

Colonel *Perceval*: I may have been irregular, but I must contend that such is not the fact.

Mr. *Hume* considered the inquiry to be much broader than the hon. and gallant Member seemed to suppose, for it was not limited to anything specific, but included the whole of the Orange institutions in Great Britain.

Mr. *Cresset Pelham* thought the question put to the witness by the hon. and gallant Member for Sligo a very proper one.

Mr. *Sheil* said, that one principal fact had been omitted, and that was that a book was produced purporting to contain the correspondence of the Orange Lodges down to the month of March, 1833. The book now called for contained the continuation of that correspondence. In the book produced was a letter which proved the establishment of Orange Lodges in the army. In that letter the following passage occurred—"I am aware that there are great objections to it, and I would advise you to be cautious and circumspect, for if you are not it will tend to inquiry into the societies." As this suppressed book was no more than a continuation of the book which had been submitted to the Committee the House ought to order its production, in order that the correspondence should be seen.

Mr. *Aglionby* suggested whether the better course would not be to have the witness recalled.

Colonel Fairman having been re-conducted to the Bar, was again examined by

Colonel *Perceval.* Now, Sir, I wish to know whether the book which you have called a private book, and which you have refused to furnish to the Committee, is a continuation of the letter-book of which the Committee are already in possession? It certainly is not a continuation.

By Mr. *O'Connell*: That book contains letters subsequent to those which are to be found in the book which you have produced? Decidedly.

Is there in that book other correspondence respecting Orange institutions, addressed to members not in the army? Decidedly. The correspondence contained in it is principally with persons not in the army. The exceptions do not amount to more than three or four.

And those others you refuse to produce? Yes, I refuse to produce them on public principles, and not on Orange grounds.

By Mr. *Bonham Carter*: When you receive letters do you submit them to the Grand Orange Lodge or to any member of it? Never.

Would it be your duty to submit any letters you might receive to any person connected with the Orange Lodges? Certainly not; that is a matter over which I exercise an individual opinion.

Do you mean to say, then, that there is no power that could oblige you to place before the Lodge any original letter?—I do not mean to say any such thing, for there is such a power.

If, then, the Grand Lodge required you to give them the answer you returned to a particular letter, would it not be your duty to communicate it?—Certainly. I should look back to see if such a letter had been answered, but it does not always follow that letters are answered.

Would you, supposing such a request were made of you by the Grand Lodge, consult the book which you refuse to produce, to see if the particular letter was answered?—Certainly.

By Mr. *Borthwick*: Are you obliged, by any law of the Orange Institutions, to produce the private book which you have declined submitting to the inspection of the Committee?—No.

By Mr. *Bonham Carter*: If the Grand Orange Lodge required the answer or the copy of the answer given by you to a particular communication, would you look for it in this book?—Undoubtedly.

If the lodge required to have the book itself would you refuse to let them have it?—I think it very likely.

By Mr. Sergeant *Jackson*: Does the book already produced to the Committee belong to you or to the Orange Society?—That book I found in the office when I entered it. I never had any control over it. But my own book I consider as my own private document.

Does it contain private correspondence?—Yes, it does in many instances.

Did you make any offer respecting it to the Committee on Orange affairs?—Yes, I did; but I was afterwards obliged to withdraw that offer, because they would not accede to the proposition which I made to them. I think no honourable man could do otherwise under the circumstances.

Have you, then, a decided objection to produce that book?—I have.

By Mr. *O'Connell*: Do the private letters you speak of refer chiefly to Orange matters? Chiefly. [The witness here said that as he had not seen the evidence taken before the Committee on the matter in question he hoped the House would order it to be read over to him before he was required to answer any other question. He made this application under the supposition that it was not inconsistent with the rules of the House.]

Mr. *Hume* begged to inform the witness that he had already read the whole of the questions and answers relating to his refusal to produce any part of this book except that which related to the military portion of the inquiry.

The witness said, he believed that there had been a sort of compromise between him and the Committee.

Witness ordered to withdraw.

Sir *Robert Inglis* considered the request of Colonel Fairman so fair and reasonable that he must move that the shorthand writer be ordered to read over in his presence the notes which he had taken of the evidence.

Mr. *Aglionby* said, that they might now put to the witness the same questions which had been put to him by the Committee. This, he thought, would answer the object which the hon. Baronet had in view. Nothing could be more fair and candid than the conduct of the witness before the Committee.

Colonel *Perceval* said, that the whole of the evidence should be read, if they meant that the witness should rightly understand the course which it would be for him to take.

The *Chancellor of the Exchequer* must protest against any such proceeding, because it would lead to manifest inconvenience if the evidence taken before a Committee up stairs was to be read over in that House. Besides, the adoption of so unusual a course would guide the witness as to the evidence which he should give, and enable him to reconcile any contradiction or discrepancy which might exist between his present and his former statements.

Mr. *Shaw* said, that the object was not to instruct the witness in the answers which he was to give, but rather to direct him as to the course which he ought to take with respect to whether he ought to give up or withhold this book.

Mr. *O'Connell*. I believe, Sir, that the examination has closed [*Cries of "No, no.*"]

Mr. *Shaw* denied, that the examination had closed. The witness had merely withdrawn, in order that his hon. Friend (Sir Robert Inglis) might move, that the notes of the evidence should be read over to him.

Mr. *Leader* read an extract from the evidence of Colonel Fairman, given before the Committee, to show, that Colonel Fairman had obstinately refused to yield to the wishes of the Committee.

Mr. Sergeant *Jackson* thought it but fair to the gallant Colonel that the answers which he had given before the Committee should be read to him. It would not be right to endeavour to convict him of giving answers before the House contradictory to those given before the Committee. If the witness were proved to be guilty of contempt he should be punished for it.

Viscount *Howick* said, the question before them—their object in calling the witness before the Bar of the House—was to ascertain whether he would or would not answer certain questions put to him by the Committee, and which were thought necessary to assist their inquiry; and if he would not answer these questions, the House must take the necessary measures. The question was not whether there was a discrepancy in Colonel Fairman's answers to the questions put by the Committee, and those put by the House, but whether he would now consent to produce the book called for by the Committee, and whether it were a document which ought to be produced? Colonel Fairman admitted, that he was in possession of the book, and it was, in his (Lord Howick's) opinion, a document the production of which was necessary to the inquiry. The House should call on the witness, therefore, to say whether he was now prepared to give up the book, and if so, they should overlook the former refusal.

Mr. *Shaw* was of opinion, that Colonel Fairman acted under the conviction that he was bound by a point of honour not to produce the book. It was fair, that the evidence which he had given before the Committee should be read to him.

Mr. *O'Connell* said, that there was no complaint of any difference in the testimony before the House and before the Committee.

Mr. *Aglionby* felt himself bound to say, that Colonel Fairman had given his evidence in the fairest and most manly manner up to a certain point, and that his demeanour before the Committee was most creditable and honourable. He (Mr. Aglionby) regretted, that the discussion had taken a turn which would, in the slightest degree, impute to Colonel Fairman any discrepancy in the answers which that Gentleman had given.

Mr. *Hume* observed, that with regard to the consistency of Colonel Fairman's answers, there was no doubt whatever. The question was, should he or should he not give up the book?

Colonel *Perceval* differed from the doctrine laid down by the noble Lord, the Paymaster of the Forces. When that noble Lord said, that Colonel Fairman was bound to produce the book which Colonel Fairman stated to be his own private property, he would put it to the House whether they would assume to themselves such an inquisitorial power? If they assumed such a power over private property, he, for one, would enter his protest against it. The Colonel had agreed to give up such portions of the book as related to Orangeism in the army, but very properly withheld that portion which was private. If he (Colonel Perceval) stood in the place of Colonel Fairman he should, notwithstanding the respect in which he held that House, most certainly not give up to an inquisitorial power that which he considered his private property.

Mr. *Warburton* said, it would be better first to ascertain, whether the witness would persevere in his refusal to give up the document; and, if so, then the House could consider how it should proceed under the circumstances.

Lord *John Russell* thought, it would be better to narrow the inquiry. It appeared, that the witness had been asked certain questions, and, for fear of a mistake, he wished to have his previous testimony read to him. Now this would be very fair, if there was any suspicion existing as to discrepancy or contradiction, but there was no suspicion in existence. The question was, whether or not the witness refused to give up the document, and on his answer the House could determine how to proceed.

Sir *Robert Inglis* said, it was right that the witness should know what was the charge against him. He should persist in his Motion, that the questions and answers be read over to Colonel Fairman.

The House divided on the Motion—Ayes 19; Noes 129; Majority 110.

List of the Noes.

Aglionby, H. A.
Alston, R.
Attwood, T.
Baines, E.
Baldwin, Dr.
Baring, T.
Baring, F.
Baring, —
Baring, —
Barry, G. S.
Becket, Sir J.
Blake, M. J.
Boldero, Capt. H. G.
Bowes, J.
Bowring, Dr.
Brabazon, Sir W.
Brady, D. C.
Bramston, T. W.
Buller, Sir J. Y.
Byng, G., jun.
Callaghan, —
Carter, J. B.
Cave, R. O.
Chalmers, Capt. P.
Codrington, Sir E.
Crawford, W. S.
Dalmeny, Lord
Divett, E.
Duncombe, T. S.
Donkin, Sir R.
Elphinstone, H.
Ewart, W.
Fitzgibbon, Hon. R.
Freshfield, J. W.
Gordon, R.
Goulburn, Hon. H.
Grey, Sir G.
Grote, G.
Hall, B.
Hardy, J.
Harvey, D. W.
Hay, Col. A. L.
Hector, C. J.
Hindley, C.
Hobhouse, Sir J. C.
Hope, —
Hoskins, K.
Hume, J.
Humphrey, J.
Hutt, W.
Jephson, C. D. O.
Labouchere, H.
Leader, J. T.
Lennox, Lord J. G.
Lynch, A. H.
Maher, J.
Mangles, J.
M'Leod, R.
Maule, Hon. F.
Methuen, P.
Moreton, Hon. A.
Morpeth, Lord
Murray, Rt. Hon. J.
Nagle, Sir R.

Nicholl, Dr.
O'Ferrall, R. M.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
Ord, W. H.
Palmer, General C.
Pattison, J.
Pease, J.
Pechell, Capt. R.
Pelham, C.
Pendarves, E. W.
Penruddock, J. H.
Pinney, W.
Pryme, G.
Rice, Rt. Hon. T. S.
Roche, D.
Rolfe, Sir R. M.
Ronayne, D.
Russell, Lord J.
Sandon, Lord
Shaw, Rt. Hon. F.
Sheppard, T.
Smith, B.
Standish, —
Stanley, E. J.
Stewart, P. M.
Tancred, H. W.
Thornley, T.
Troubridge, Sir E. T.
Tynte, —
Villiers, C. P.
Wakley, T.
Walker, —
Wallace, R.
Warburton, H.
Williams, W. A.
Wood, C.
Wyse, T.

TELLERS.

Steuart, R.
Ord, W. H.

List of the AYES.

Archdall, M.
Bonham, F. R.
Borthwick, P.
Cole, Hon. A. H.
French, F.
Inglis, Sir R.
Jackson, J. D.
O'Gore, —
Plunkett, —
Price, S. G.
Perceval, Colonel A.
Scarlett, Hon. R. H.
Sibthorp, Colonel
Tyrell, Sir J. T.
Vernon, G. H.

TELLERS.

Inglis, Sir R.
Perceval, Colonel

Colonel Fairman was again called to the Bar, and re-examined.

Mr. *Shaw*: Where did you find the first book?

Colonel *Fairman*: I found it in the office of the Orange Society.

Mr. *Shaw*: Were you directed to keep the other book, which you refuse to produce, by any person connected with the Orange institution, or was it merely a proceeding of your own?

Colonel *Fairman*: I kept that book on my own and sole authority.

Mr. *Shaw*: Were the letters in that book official, or written in your own private capacity?

Colonel *Fairman*: They were written in my own private capacity.

Mr. *Shaw*: Was it or was it not a continuation of the other book?

Colonel *Fairman*: It certainly was not.

Mr. *Shaw*: Was that book which you refused to give up official, or was it kept for your own private purposes?

Colonel *Fairman*: I kept it for my own private purposes, and merely as a remembrance.

Mr. *Shaw*: Did you not consent to give up such portions of it as related to military lodges?

Colonel *Fairman*: Such a proposition was made to me, and I did express my readiness to consent to it, but with a condition, namely, that I should not be brought to the Bar of this House.

Mr. *Shaw*: Have you any objection to give up those portions which relate to other lodges?

Colonel *Fairman*: Certainly.

Mr. *Shaw*: Do you now object to give up that portion which relates to military lodges?

Colonel *Fairman*: Now, after what has occurred, I do.

Mr. *Shaw*: Are you desirous of concealing the information which that book contains?

Colonel *Fairman*: No, I would not care a halfpenny, if the contents were known from Whitechapel-bars, to Hyde Park-corner.

Mr. *Shaw*: Then your refusal now to produce it is on a point of honour?

Colonel *Fairman*: Exactly so.

Mr. *Shaw*: Then it is upon no Orange principle that you now refuse to produce the book.

Colonel *Fairman*: It is not.

Mr. *Shaw*: If you had not been brought up here, is it likely you would have produced the book?

Colonel *Fairman*: The probability is that I should not have produced it.

Mr. *Warburton*: Do you still persevere in your refusal to produce the book?

Colonel Fairman was understood to say, that he still persevered in the refusal.

Mr. *Warburton*: Where is the book?

Colonel *Fairman*: It is in my own possession.

The witness withdrew.

Mr. *Wallace* said, that he had found a precedent which would serve for the guidance of the House, under the present circumstances. It was one which occurred in the celebrated case of his late royal Highness the Duke of York, and Mrs. Mary Anne Clarke. When the Sergeant-at-Arms was directed to have Capt. Sandon taken to his (Capt. Sandon's) lodgings, and to bring to the House any papers which might there be found, this was accordingly done, and then, on the Motion of Mr. Warton, the House granted leave to the Committee, which sat upon the subject, to sit again, and also granted them a power to inspect the papers in question. Here there was a case in point, and he would accordingly move, that Colonel Fairman be ken into custody by the Sergeant-at-Arms, who should proceed with him to his lodgings, and there take possession of this book, as well as of any other papers, which might there be found relating to Orange Lodges. He should first move that Colonel Fairman be taken into the custody of the Sergeant-at-Arms.

Mr. *Cresset Pelham* protested against such an arbitrary act.

Mr. *Shaw* did not think the hon. Member could be serious in this proposition.

On the Motion of Mr. Baring Wall, the witness was again called in; and again questioned; he did not remember the date of the last entry. He became connected with Orange Lodges he thought in January, 1831. He could not state the date of the first entry in the book which he refused to give up. He was away from the office for six or seven months; during which time he knew nothing of what occurred there.]

The witness was again ordered to withdraw.

Mr. *Shaw* protested against the tyranny of breaking into the residence of any subject of the realm, and taking possession of his property for the purpose of satisfying an impertinent curiosity, or gratifying a desire of revenge. He really did not think the hon. Member was serious when he first made the proposition, and it could only arise out of curiosity or revenge. That the book was private property, and that it was so considered by the Committee, was evident from their proposing that Colonel Fairman's Secretary should read those portions of it which related to Orange Societies, and not those of a private nature. Would the House, then, entertain such a proposition as that before them? The book was withheld by Colonel Fairman on a point of honour, he not deeming himself bound to give up to threats that which he considered his private property. For his own part, he was of opinion, that there were some to whom the production of the book would prove a disappointment, as in that case, Colonel Fairman would not be sent to Newgate.

Mr. *Leader* denied, that any person on that side of the House was actuated by motives of revenge, and did not think, it becoming in a Judge to impute any such.

Mr. *Shaw* said, he was not a Judge, although he held a judicial office. He regretted, that he had been borne away by his argument to say anything which could be construed into offence; but he could not help feeling warmly; and, perhaps, too warmly expressing himself, when he perceived a majority of that House prepared to sanction such an act of tyranny as breaking into a man's private house, and bearing away his private property.

Mr. *Wallace* believed, that his conduct in that House and in the country would bear comparison with the hon. and learned Gentleman's at any time. He would add, that the remarks which the hon. and learned Gentleman had made regarding him were totally and positively unfounded. He was quite incapable of either the revengeful or the tyrannical feelings imputed to him, and he demanded of the hon. and learned Gentleman that he would state any instances with which he was acquainted in which his conduct had not been as high and unexceptionable in its bearing as that of any individual in the empire. He had never forgotten himself as the hon. and learned Gentleman had.

Mr. *Methuen* said, he did not think that the hon. and learned Member meant seriously to impute revengeful feelings to others.

Sir *John Tyrrell* begged to bring the House back to the subject under consideration, which was, whether it would persist in putting the question to Colonel Fairman? He wished to remind them that there was no charge against this witness, notwithstanding which it was contemplated to send him to Newgate. He understood the hon. Member for Greenock to have given notice that he would move that the witness be taken into the custody of the Sergeant-at-Arms.

The *Chancellor of the Exchequer* wished to call the attention of the House to the exact position in which this question stood. The examination by the hon. Member for Bridport was in strict conformity with the precedents to be found on the Journals of the House; and after that examination was concluded, it would be open to the House to decide what further steps they should take with regard to the book. They had no right to object to a course of examination founded on Parliamentary precedent, from an apprehension that they might not approve of the course with which it might be proposed to follow up that examination. First, the examination should be proceeded with, then they should determine whether the book ought to be produced or not; and if the decision were in the affirmative, and the witness refused to produce it, they should then consider what further steps should be taken.

Colonel *Sibthorpe* expressed his deep regret that the book was not in his possession; if it were, he would try the question with the House. He would see whether any one should enter his private chamber to carry into effect a tyrannical measure. They might pride themselves (said the hon. and gallant Member with great vehemence) on their numbers, but he could tell them that strength did not depend on numbers, but on individual resolution and determination.

Lord John Russell moved that the witness be re-called.

Witness re-called.

Mr. *Warburton*: Is the book under lock and key?—Yes.

Have you given any orders for the removal of that book since you have been in the presence of this House—in the course of the last quarter of an hour?—No.

Mr. *Harvey*: Were the letters you received addressed to you in the character of Secretary to the Orange Lodges?—Certainly.

Does the book in question, which you refused to produce, contain any answer from you as secretary of the Orange Society to letters written on Orange subjects?—Many.

Mr. *Borthwick*: Suppose the date of the first entry in the book to be 1835, is there entered in it all your official correspondence from the period?—Certainly not, by a great deal.

Are you willing to produce, for the information of the Committee of this House, all the official information which you have, in the shape of correspondence or otherwise, respecting these Lodges?—Certainly.

In answer to Mr. O'Connell, the witness said if he had letters of more than ordinary importance he generally entered them in a book.

Examination continued by Mr. *Borthwick:* In the event of your absence for some months, what becomes of the letters and answers?—If they were letters of consequence, I forwarded the necessary instructions; if they were letters of mere routine, the persons in the office answered them to the best of their ability. I refuse on public principles to produce the book. I consider it inquisitorial to call for it, and therefore I refuse.

The witness was ordered to withdraw.

Mr. Wallace moved that Colonel Fairman be taken into the custody of the Sergeant-at-Arms.

The *Chancellor of the Exchequer* submitted to the hon. Gentleman that this would be going rather too quickly. The first point to be determined was, whether the book was one which ought to be produced?

Mr. *Scarlett* begged that the witness might be re-called. He had a very important question to put to him.

The witness was re-called and examined by the hon. Gentleman: Is the book in question your property?—I consider it my property.

Are the entries in that book for your own satisfaction, or for the use and benefit of this society?—For my own satisfaction.

Mr. *Sheil:* I beg to ask the witness whether part of that book is not in the handwriting of the Deputy Secretary of the Orange Lodge?—No doubt about it.

Mr. *Scarlett:* You say the book contains copies of answers which you wrote to the Orange Institutions; did you sign your name simply, or did you add your title?—Generally speaking I signed but my name: it is universally known what office I hold, and I do not think it necessary to sign D. G. S.

Mr. *Harvey:* Do you consider the letters addressed to you in your capacity of secretary, your own private property or the property of the society?—The property of the society.

Do you consider the official answers which you give to those communications to you, in your capacity of secretary, to belong to the society?—I do; because if I am called on to do so by the Grand Lodge, or by the Committee, I must produce them.

Mr. *O'Connell:* Have you any other books containing correspondence between the Orange Lodges and the Grand Secretary?—None.

The witness was ordered to withdraw.

The *Chancellor of the Exchequer* said that the Motion he should now put to the House was, that the witness who had just left the Bar was bound to produce the book. And he did not call on the House, in asking them to affirm this proposition, to affirm at the same time, the second proposition, namely, as to whether any and what steps should be taken to dissever that portion of the correspondence which was of a personal and private character from that which was purely public. He should not allude to the refusal of the witness to produce the book, but he would bring to mind the admission of the witness as to the contents of the book. Of what avail would it be to institute inquiries if they were to be opposed by such obstacles as were now under consideration? To what purpose would they appoint Committees empowered to call for "persons, papers, and records," if they established a precedent for witnesses bidding defiance to the powers of the House, themselves laying down the line by which they were to be governed? This witness could not be considered a private individual; he took upon himself a high official situation. The book in question contained copies of the letters the witness had received, acting in his official capacity, and also of the answers that had been sent; and they were in no other book. Such was that individual's admission. Then he asked was this correspondence relevant to the subject-matter of the inquiry before the Committee? If it were, would not the investigation of the Committee be fettered—would it not be barred altogether—if this evidence were not produced? What would be the result if he, a Minister of the Crown, took such a course? If he said, in answer to a demand for some important papers, that they were in his possession, but he had allowed them to be mixed up with private matters, and he would not produce them—would he be allowed to rest for one hour? Would there not be moved by hon. Gentlemen on the opposite side of the House, as well as by hon. Gentlemen on his side, that an address be presented to the Crown on the subject, or that he be impeached? In no Court of justice would a witness be allowed to refuse to produce such evidence. Unless they were prepared to turn all their proceedings into a farce—unless they were disposed to bring ridicule upon them—unless they had determined to afford to every public delinquent the most easy way of screening himself from justice—they would demand the production of this book —they would demand that the whole of the proof they required should be laid before them. He appealed for support, in the view he took, to the hon. Member who seconded the motion for the appointment of the Select Committee to inquire into Orange Lodges, and who told the House on that occasion that there was no document—that there was not anything connected with the Orange Lodges—which they wished to keep back—who, indeed, even declared that they were anxious for an opportunity to produce their documents. He appealed also to the hon. Member for Chatham, whom he was glad to see returning to his place. The language, from one and all of the supporters of the Orange Lodges, was, that they did not fear the light, but that, on the contrary, every act and document connected with those societies, they were ready to submit to examination, and to justify. He would say that they ought to put aside all those little considerations of nice points of honour, and come boldly to the question. The truth must be told. The question as to what course a Gentleman ought to take under durance was not applicable here. To make out the case, the conduct must come after durance and a threat, but here the refusal came first. The witness was asked this simple question—whether he would produce the book—and he refused. He was quite disposed to give full weight to the feelings of honour, however mistaken they might have been, but before it was established that the witness was entitled to such consideration, there was his refusal in the first instance to be explained. He was most anxious to protect the principle of private confidence, but he would not do it in a mode to defeat justice and screen offenders against the laws. These being his opinions, he would conclude by moving that the witness be called in, and informed that it was the opinion of the House that he was bound to produce the book which had been alluded to in his evidence.

Mr. *Hume* seconded the motion. The House ought to know that the witness having been called before the Committee a second time, was told that they were informed the book had been recently seen in his possession, and it was hoped he would not object to produce it. The witness, however, did refuse to produce it, alleging as his reason that it contained letters from Lord Sidmouth and a number of great men among whom was the King of Spain. With the King of Spain of course the Committee had nothing to do.

The question having been put,

Sir *Robert Inglis* moved an Amendment to the effect that only such portions of the document in question should be produced as related to the subject matter of the inquiry.

Mr. *Shaw* said, that the witness had no desire to keep back the letters, and that he would have been perfectly willing to accede to their production had he been properly asked. A sort of threat had been held out after he had first refused, whereupon he said that he would not produce them; again, however, he added that, considering himself committed to their production, he would assent to it, and then the question was put as to the production of papers relating to Orange Societies generally. In his opinion, the importance attached to this case was very absurd. He believed that not the least objection existed to the production of the documents in question, or of any other relating to Orange institutions. From first to last he had thought that the witness ought to have produced the letters and every document which related to the subject-matter of the inquiry.

Sir *John Tyrell* observed that he had not intended to cast any insinuation upon the Committee in any observations which he had made. If the witness refused to produce the book in question, as he hoped he would not, he for one should desire to make him produce it; but he believed that the witness had objected to the production of it under an impression that a threat had been held out to him.

Mr. *Freshfield* corroborated the statement of the right hon. Member for the University of Dublin (Mr. Shaw), that the witness had not at first refused to produce such part of the letters as related to the subject of military lodges, but that afterwards, considering that a sort of threat was held out to him, upon the point of producing those relating to Orange Lodges generally, he had felt bound, consulting his honour as a military man to refuse. A Court of law had no authority whatever to force a witness to produce documents. If he refused to produce them, he might be personally punished, but the Court had no means of reaching the documents themselves.

Mr. *Wakley* wished, upon the subject of the hon. and learned Gentleman's last observation, that the Court had no power to compel the production of documents, to state a case somewhat in point—that of the Dorchester labourers. Those men were taken before a Magistrate—they were sent to gaol and searched—their keys were taken from them—a constable was sent to their houses—their boxes were opened, their papers were taken out of them; and the papers so taken furnished the ground of the allegations against them. Now, really, if they were to have justice at all, let them have evenhanded justice—and let not an Orange Society, because it was headed by a Duke, have a preference over a secret society, which was headed by a village labourer.

Mr. *Scarlett* could not allow the Resolution to pass without protesting against it, on account of the principle which it involved. If a precedent were to be laid down for breaking into a man's house for the purpose of seizing his private documents, though they related to public matters, a principle of the most odious inquisitorial nature would be established. Whether it would be wise on the part of the witness to produce or withhold them, still he was not bound to produce them, as they were private, and not official.

The *Solicitor-General* said, a more dangerous doctrine there could not be than that because a man alleges a particular document to be private he is therefore at liberty to withhold it, so as to defeat the ends of justice. Such a defence as that could not be received in a Court of Justice. As to the preference to the Dorchester Labourers, the case was not applicable. There the parties were regularly accused of having acted in defiance of the law, and the papers were seized, in order to arrive at the evidence against them. That was not the case in the present instance. The book which contained public documents could not be considered a private book, and therefore the witness was bound to produce it. Even if it were a private book he would be bound to produce it.

Mr. *Aglionby* as a Member of the Committee, must say that Colonel Fairman at first refused to give any evidence before the Committee. It was true he attempted to justify his refusal by saying that there were certain secrets which he could not reveal. He proposed to trust to the honour of Colonel Fairman as a gentleman to keep back what was private, and divulge what was public. That act he (Mr. Aglionby) would not now justify, for he was of opinion that the gentleman should furnish any information within his reach, private as well as public.

Mr. Sergeant *Jackson* would support the Amendment, which was the only fair and expedient proposition to adopt. He was utterly amazed at the proposition laid down by the learned Gentleman opposite. Surely no Court of Justice could compel a man to reveal what was private, or personal to himself. the question was one of contempt. Now, it was the practice in the case of contempt of a Court of Law to attach the party. The party was then to be heard on his affidavit against the attachment, and was allowed to show cause. But was that rule observed in the present instance? In fact every rule of a Court of justice was positively laughed at in the present discussion. No Gentleman in that House could take it upon him to say that if a gentleman of untarnished character declared that the book contained private matter he was guilty of contempt. He did not object to the production of the book, but he objected to an invasion on the private secrets of life—he objected to a wanton and cruel exposure of a man's personal affairs. Let the book be produced, and the part that was relevant to the subject be separated from what was not. Surely the House should, in its proceedings, bear some analogy to a Court of Justice. When the question of Orange Lodges was first introduced there was a general cry of "Produce the books," and hints were given that those documents would not be produced; but what was the fact? Why, that all the officers of the Lodges in Ireland did promptly produce all their books and documents.

Colonel *Perceval* said, that as to the parallel attempted to be drawn between Orange Lodges and the case of the Dorchester labourers he would observe that if it could be proved that the Orangemen were an illegal body they would have been gladly prosecuted by the Government; and they were spared, and reluctantly, because they were legal. Let the Government fasten on any particular fact, and punish the Orangemen. But they knew they could not, and perhaps they regretted it, for the Orange Association was a legal one. [Mr. *Hume:* "No, no."] The Society might be opposed to the capricious and loose doctrines of the hon. Member for Middlesex on loyalty, but they were not the less a legal and loyal body on that account. The hon. Member said "No," but all the great constitutional lawyers said yes. Let the opinion of the Judges be taken on the point of legality, and let the question be tried by that test. If other Societies—the Political Unions, the Reform Societies, and the Radical Clubs—were submitted to the same ordeal of probation—if they were exposed to the light as the Orange Societies were, would they bear the scrutiny as well? They could not; and perhaps the hon. Member himself would admit the fact. The more the Orange Society was examined and sifted the more creditable would it appear; for it was neither disloyal, nor unfriendly, nor unneighbourly.

Mr. *William Smith O'Brien* said though opposed to Orange and other secret Societies, yet he could not, as an honest man, sanction the inquisitorial and tyrannical precedent that the original Motion would lay down.

The House divided on the original Motion, Ayes 71; Noes 26; Majority 45.

List of the Ayes.

Aglionby, H. A.
Baines, E.
Baldwin, Dr.
Barry, G. S.
Baring, F.
Blamire, W.
Bowring, Dr.
Bellew, R. M.
Bridgman, H.
Biddulph, R.
Brotherton, J.
Blake, M. J.
Callaghan, D.
Codrington, Sir E.
Chalmers, P.
Crawford, W.
Dalmeney, Lord,
Dillwyn, L. W.
Dykes, F.
D'Eyencourt, C. T.
Elphinston, Howard
Ewart, W.
Ferguson, Sir R.
Hawes, B.
Hindley, C.
Hoskins, K.
Humphery, J.
Hume, J.
Leader, J. T.
Lynch, A. H.
Macleod, R.
Maher, J.
Mangles, J.
Maule, Hon. C.
Murray, Rt. Hon. A.
Morpeth, Lord
Nagle, Sir R.
O'Brien, C.
O'Connell, M.
O'Loghlen, M.
Oswald, J.
Ord, W.
Parker, J.
Pattison, J.
Pease, J.
Power, P.
Pelham, C.
Pechell, Captain,
Prendergast, E. W.
Potter, R.
Pinney, W.
Pryme. G.
Roche, D.
Rolfe, R. M.
Ronayne, D.
Rickford, W.
Seale, Colonel
Scholefield, J.
Sheil, R. L.
Smith, B.
Steuart, R.
Thorneley, T.
Troubridge, Sir T.
Villiers, C. P.
Wakley, T.
Walker, C. A.
Warburton, H.
Williams, W.
Williams, W. A.
York, E. T.
Young, G. F.

List of the Noes.

Ashley, Lord
Bonham, F. R.
Borthwick, P.
Boldero, Captain
Cole, Hon. H.
Dick, Q.
Elley, Sir J.
Ferguson, Sir R.
Freshfield, J. W.
Gordon, Hon. Capt.
Hayes, Sir E.
Longfield, R.
Nicholl, Dr.
O'Brien, W. S.
Plunkett, Hon. R.
Price, G.
Rushbrook, R.
Shaw, Right Hon. F.
Sibthorpe, Colonel
Scarlett, Hon. R.
Tyrell, Sir J.
Vesey, Hon. T.
Verner, Colonel

TELLERS.

Perceval, Col.
Jackson, J. D.

Colonel Fairman was ordered to appear at the Bar.

The *Speaker* addressed him as follows:—It is my duty to inform you that this House is of opinion that you should produce the book which has been alluded to in your evidence, and which you declined to produce before the Committee. Without adverting to the foundations for that which you considered as a point of honour obligatory on yourself, I am confident that you will feel that, when the House has come to the Resolution that you are bound to produce that book, you will forthwith comply with the opinion of this House, because you must be aware that your first duty, and one which supersedes all private and personal feelings of your own, is to yield prompt obedience to the pleasure of this House. You may now withdraw.

Colonel Fairman withdrew.

CONTRACTS. — PLYMOUTH BREAKWATER.] Mr. Warburton moved that the consideration of the Petition of Silas Pearse (presented on the 17th of August), complaining of the conduct of Government, in February last, in relation to a contract for the supply of limestone to the Breakwater at Plymouth, should be referred to a Select Committee.

Lord *Ashley* said, that the grievance complained of occurred in February last; yet now, on the 19th of August, the hon. Gentleman proposed to take into consideration the conduct of an individual who had been for the last five months in London, but who was now in Ireland with his family, and unable to defend himself. He hoped the hon. Member would have too much justice to conduct the prosecution in the absence of the accused. Why not bring forward the affair before, while his friend was present to defend himself? That would have been a more fitting and honourable course than to impeach him the moment he left the country.

Mr. *Warburton* did not know why it was the petition was put so late in his hands, but immediately on its receipt he took measures for instituting an investigation. He thought there would be plenty of time to enter upon the subject, even though some days must elapse before the return of Mr. Dawson.

Mr. *Shaw* said, it would be impossible Mr. Dawson could be in London within a week. He thought it was far too late in the Session to proceed with such an inquiry as the hon. Member proposed. It would even be difficult to get a sufficient number of Members to constitute a Committee. And the chances were, before Mr. Dawson arrived, Parliament would be prorogued.

Mr. *Hume* expressed his surprise that when the malversation of a public functionary was the question to be submitted to the consideration of the proposed Committee, the noble Lord opposite (Lord Ashley), during whose continuance in office, as one of the Lords of the Admiralty, the ascribed breach of duty was said to have taken place, should have objected to the Motion of the hon. Member for Bridport. In his opinion the Lords of the Admiralty were the most deeply interested in the investigation which it was intended to institute before the Committee, for it was scarcely possible that the Secretary should have signed the order which formed the subject of the Petition which had already been presented without the assent of the Lords of the Admiralty.

Lord *Ashley* was certainly astonished that this subject was not brought to an investigation at an earlier period of the Session. He would say now, however, that he was perfectly willing to take all responsibility that could fairly be attached to him on himself, and to abide by the decision even of the hon. Member for Middlesex as judge.

Mr. *Warburton* said that he had postponed his Motion at an early period of the Session for a considerable time, in order to accommodate the noble Lord (Lord Ashley.)

Captain *Pechell* was old enough to recollect that on one occasion Mr. J. Wilson Croker turned round on Sir Joseph Yorke, and declared that he, as Secretary, was only the servant of the Admiralty. He did not think, then, that it was any ground for refusing the appointment of the Committee that the Secretary to the Admiralty was absent in Ireland, when the Lords of the Admiralty must be prepared to meet the charges intended to be brought against them.

The House divided: Ayes 59; Noes 12; Majority 47.

List of the AYES.

Aglionby, H. A.
Baring, F. T.
Baines, E.
Barry, Garrett S.
Bellew, R. M.
Blake, M. J.
Blamire, W.
Bowring, Dr.
Bowes, John
Brabazon, Sir W. J.
Bridgman, H.
Brotherton, Joseph
Callaghan, B.
Carter, John B.
Codrington, Sir E.
Crawford, W. S.
Dillwyn, L. W.
Duncombe, T. S.
Dykes, F. L. B.
Ewart, William
French, F.
Hawes, B.
Hall, Benjamin
Handley, Henry
Jephson, C. D. O.
Lennox, Lord A.
Lushington, Dr.
Lynch, A. H.
Macleod, Roderick
Maule, Hon. Fox.
Mangles, J.
Maher, John
Morpeth, Lord
Murray, J. A.
Nagle, Sir R. Bart.
O'Loghlen, M.
O'Brien, C.
Ord, Wm. Henry

Oswald, J.
Parker, J.
Pease, Joseph
Pechell, Capt.
Pendarves, E. W.
Potter, R.
Power, Jas.
Rickford, Wm.
Ronayne, D.
Rolfe, R. M.
Seale, Colonel
Smith, B.
Stanley, Edward J.
Steuart, Robert
Thornely, Thos.
Wakley, Thomas
Walker, C. A.
Williams, W.
Williams, W. A.

TELLERS.

Hume, Joseph
Warburton, Henry

List of the NOES.

Ashley, Lord
Beckett, Sir J.
Dick, Q.
Elley, Sir J.
Hayes, Sir G.
Jackson, J. D.
Pelham, Hon. C.
Plunkett, R.
Praed, Winthrop M.
Shaw, F.
Tyrell, Sir J.
Vesey, Hon. T.

TELLERS.

Bonham, F. R.
Perceval, Col.

REGISTRY OF VOTERS (IRELAND).] Mr. Sergeant *O'Loghlen* moved the Order of the Day for the Second Reading of this Bill, and the order having been read, he moved that the Bill be read a second time.

Colonel *Perceval* said, that although he did not intend to object to the second reading of the Bill, there were yet some clauses in it from which he so strongly dissented, that he could not permit the Bill to be read a second time without offering a few observations upon it. He would, in the first place, call the attention of the Committee to the title of the Bill. It was intituled, a Bill "to amend the law relative to the Registry of Voters in Ireland, and to taking the poll at elections, in that part of the United Kingdom, and to assimilate the same as nearly as may be to the law in force in England and Wales." That certainly was a plausible title; but, in reading the Bill, he found it deviating in many important particulars from the practice in England—and, amongst others, he would cite the case of granting the power of appointing the Revising Barristers in Ireland to the Lord Lieutenant, whereas, in England, the right existed in the Judges. He must own that if no other discrepancy existed, that one case alone would do away with much of the confidence which reading the title of the Bill was calculated to inspire. If any person were to refer to the preamble of the Bill, they would be led to believe that a new Registry under it was absolutely necessary. The first clause under it was as follows, viz.:—

> "That notwithstanding any law now in force in Ireland, no person whatever shall, after the first day of March next, be entitled or permitted to vote in the election of any Member to serve in Parliament for any county, city, town or borough in Ireland, the borough of the University of Dublin only excepted, unless he shall have been duly registered according to the provisions of this Act; and that from and after the said first day of March, any Registry not made under the provisions of this Act, shall be null and void, and of no effect; and that no Sheriff or other Returning Officer in Ireland shall, after the said first day of March next, receive or place on the poll the vote of any person by reason of any right, qualification, certificate or registry whatsoever, unless such person shall have been duly registered pursuant to this Act."

So far as that Clause went, every one would suppose that a new Registry was *bonâ fide* intended; but, on turning to the 9th Clause, it would be seen that it was intended to protect the fictitious voters, which had been improperly placed upon the Registry. The Clause was as follows:—

> And be it further enacted, that the said Revising Barrister shall also revise the list of the names of the persons now registered, or who shall appear on the register hereby directed to be kept, as having been registered by the Revising Barrister under this Act, and shall examine into any objection which may be made to the right of any such person to have his name continued on such register, provided it shall appear to such Barrister that such objection is founded on some matter respecting the qualification of such voter, which occurred since the former revision or registry.

It was, he contended, a manifest fallacy to say, that this Act provided that there should be a revision of the registry; and if passed, it would have the effect of keeping in the registry those who obtained their franchise by any means, no matter how foul. If the House would look to the proceedings of their own Committees they would see that, with perhaps two exceptions, revisions had taken place. In Monaghan, Longford, Carlow, and Galway, he could state from his own knowledge that a scrutiny had been granted, and in all, numbers of fictitious voters had been struck off the poll. By the present Bill a scrutiny was only to be permitted in cases where "the objection was founded upon circumstances which had occurred since the registry." If that Clause did not nullify the preamble, he did not understand the meaning of plain terms. He had already shown the direct variation that existed between the law of England and the proposed measure, and he should like to know why it was that the English Judges should have the appointment of the

Revising Barristers, while the Irish Judges had no such privilege; those learned personages were, in his opinion, the fittest to make the appointments; and as the Bill professed to assimilate the laws in both countries, "as nearly as may be," he saw nothing to prevent the appointments being made by the Judges in both countries. There were many parts of the Bill of which he (Colonel Perceval) approved, and if the preamble were fairly carried out, he thought the Measure, on the whole, would be a useful one. From the 9th he should proceed to the 49th Clause; which he was bound in the strongest manner to object to. It appeared to him, if not the production of a different hand, never to have entered into the contemplation of the original framer of the Bill. He (Colonel Perceval) could easily divine the purpose for which it was introduced, and most probably it had its origin in circumstances which had recently occurred in a Committee of that House. The Clause was as follows:—

> And be it declared and enacted, that in estimating and determining whether any person who shall claim to be allowed to register as a voter has a beneficial interest to the amount in value required by the said in part recited act of the second and third years of the reign of his present Majesty, intituled, "an act to amend the representation of the people of Ireland," in or out of the premises in respect whereof he claims to register, the said revising barristers, or any judge, on an appeal to him, shall estimate such value according to the beneficial interest which the person so claiming to register has in such premises, and not according to the rent which a solvent tenant could afford to pay for the same, over and above the rent which the person so claiming to register is liable to pay.

To that Clause he (Colonel Perceval) most strongly objected, inasmuch as it went to repeal an Act of Parliament incidentally, and opened a door for fraud in Ireland, which would let in a pauper constituency, which it was one of the objects of the Reform Bill to guard against. Under all the circumstances of the case, he hoped in Committee the two Clauses he had alluded to would be struck out, though he must confess that, at this late period of the Session, he should prefer its being postponed altogether.

Mr. *O'Connell* said that he was opposed to the 9th Clause, as he saw no reason why the revision should not be general; that Clause certainly was not introduced by the framers of the Bill. As the gallant Member for Sligo, however, was not opposed to the principle of the Measure, he hoped the House would unanimously agree to go into the Committee, and make the Bill as perfect as possible. He (Mr. O'Connell) was opposed to giving the conduct of the registry to the Assistant Barristers, as, in his opinion, it would get into worse hands. he objected to mixing up the judicial and political character at all, and, therefore, he hoped the House would not throw the appointment of the Revising Barristers into the hands of the Judges. There was no man in that House would assert that the Judges in Ireland were not political Judges. Even Baron Pennefather, whom he used to praise, had become as violent a political partisan as Baron Smith or any of the rest of them. The Bill, he thought, should proceed to make the registries conclusive for the year, and ought not to give power to a Committee of that House, who were determined to decide one way, regardless of the solemn sanction of the oath they had taken. He was for preventing the possibility of getting seats in that House by the horrible method of false swearing on the part of their friends in Committees. He could not account for recent decisions, except by supposing perjury to have been committed. ["*Order, order.*"]

Colonel *Perceval* rose to order, and said he thought it most discreditable for any Member to attribute perjury to Members of that House. He must say that the imputation could not personally apply to him, inasmuch as he never sat on a Committee since the day he first entered Parliament. He begged to call upon the Chair to state whether or not the remarks of the hon. and learned Member for Dublin were orderly or not.

The *Speaker* said, that nothing could be more disorderly than for a Member to state that Members had obtained seats in that House by the false swearing of their friends.

Mr. *O'Connell* continued: all he said was, that the present system might afford that opportunity. The objection to the last Clause he thought unjust as well as absurd. Now, was it not a great anomaly that a chattel interest should be valued differently from a freehold interest; and here he might be permitted to state that, a Chief Justice in Ireland framed a new oath, not the one described in the act. He mentioned the circumstance to show the manner in which Irish Judges acted. He considered a ten-pound franchise too high for so poor a country as Ireland. The object of hon. Gentlemen opposite was to exclude the people, but his (Mr. O'Connell's) was to give the franchise to as great a number of the people of Ireland as he possibly could. The wish of the Government ought to be to extend the constituency, and the people of Ireland could never be attached to any government who excluded them from the franchise.

Mr. *Vesey* complained of the expense of booths, and the various expenses incident upon a contested election being placed upon the county. He thought they were sufficiently taxed at present without having any additional burden placed upon them.

Mr. *Fitzstephen French* hoped that voters would be allowed to vote in different districts as in England, and not be obliged to travel twenty-five or thirty or more miles to the poll, as they were at present under the necessity of doing. This was rendered more necessary, as two days were only to be allowed for the election.

Mr. *Shaw* said, it was impossible to sit silent and hear the hon. and learned Gentleman slander every member of his own profession, from the highest judge on the bench to the humblest member of the bar. He (Mr. Shaw) denied that the judges in Ireland were political partizans. So far as their politics had been known before they were on the bench, they held as various opinions on the Roman Catholic and other great political questions of the day as any other class of men; but, as to their judicial acts since having been in any respect influenced by their political opinions, it was an assertion the hon. and learned Gentleman would scarcely venture upon in his own country, where those judges were known. But, in truth, his abuse was unsparing of every one in authority, from the highest to the lowest; and how inconsistent was the hon. and learned Gentleman in that very Bill, when he proposed to give a final and conclusive appeal to those very judges whom he said could not be depended upon. He would not oppose the second reading of the Bill, as it contained some good provisions, although he greatly objected to others—for instance, that which took the registration out of the hands of the assistant-barristers, and vested it in those of barristers appointed for the occasion by the existing Government; also, to that Clause which rendered valid all votes now registered, however fraudulently, there having been before no appeal except to that House, in case of their improper admission. All he required was, that an appeal should be given in all such cases; and, for the future, when there was to be an appeal to the judge both ways, as well in case of improper admission as improper rejection, he was satisfied that that should be final. As to limiting the number of days for polling, if that was adopted—and he had some doubts as to its propriety—then the corresponding arrangement in the English practice, of distinct polling places, should also be adopted. He meant to propose an Amendment in respect of the University of Dublin, which, he believed, would not be objected to—namely, to change the annual payment of 1*l.* by the electors to a septennial one; and, instead of requiring a demand and refusal, to make the omission to pay once in seven years an absolute forfeiture of the franchise.

Mr. *Randall Plunkett* said, it was of the utmost importance that some criterion should be fixed, in order to establish what was meant by a beneficial interest. There was no doubt on his mind, however, that it was such an interest as should give 10*l.* over rent and charges. That was the decision come to by the Carlow Committee, and, in his mind, a most just one. He considered the judges the proper persons to appoint the barristers, in the event of the duty of registering being taken from the assistant-barristers; and he trusted his Majesty's Ministers would see the necessity of adopting the suggestions which had been thrown out.

Mr. Sergeant *O'Loghlen* said, in framing the Bill, it was his anxious desire to render it an effective Measure, and was desirous even now to receive suggestions calculated to effect that purpose. With respect to the 9th Clause, he did not feel inclined to persevere in maintaining it in the Bill, provided the general feeling of the Irish Members was opposed to it. He thought, as to the appointment of the barristers being vested in the Crown in Ireland, that was the proper course, inasmuch as there was no appeal to the judges in England, whereas the Bill proposed to give an appeal in Ireland. He denied that the counties would be taxed 300*l.* a-year for the payment of barristers. At present, the assistant-barristers received 100*l.* a-year each for the arduous duties imposed on them. As those duties were to be taken away, of course the 100*l.* a-year was also to be withdrawn, and this would more than pay the new registering barristers. He wished he could hold out a hope of establishing different districts for polling in Ireland; but the state of that country was such, that he feared it would be impossible to accomplish it.

Mr. Sergeant *Jackson* did not rise for the purpose of opposing the second reading of the Bill, but he considered he should be guilty of a dereliction of duty, as a Law Officer of the Crown in Ireland, were he to permit the observations which fell from the hon. and learned Member for Dublin, with reference to the judges of the land in that country, to pass without his rising in his place to repel imputations which were at once calumnious and unfounded. It did appear to him to be a matter fraught with incalculable mischief to the administration of justice in Ireland to permit such reflections to be made without meeting on the instant the most unqualified contradiction; and he owned he felt great disappointment that his hon. and learned Friend, the Solicitor-General for Ireland (Mr. O'Loghlen) holding as he did the high office of legal adviser to the Crown, should not have vindicated the judges of the land from the foul aspersions which had been cast upon them by the hon. and learned Member for Dublin, but should have maintained a total silence on the subject. He felt it his duty to state, that the judges in Ireland were as upright and honourable men as ever graced the bench in any country, and were quite incapable of being influenced in their conduct by political partizanship. He certainly did think that nothing could be more calculated to prejudice the administration of justice in Ireland, than attacks such as they had that night heard upon the Judges, made in the face of the nation, and especially in the presence of the Ministers and Law Officers of the Crown. With respect to the Assistant-Barristers in Ireland, he must say, that as a class they were men of great learning and ability, and of rank and character in their profession. In his judgment, they were more competent to perform the duties which were to be taken from them by the present Bill, than the occasional nominees of the Government were likely to prove. It was too much to be feared that the Government of the day would select for the performance of this duty, if not political partizans, at least individuals recommended to their notice by those who were the political partizans and supporters of their Administration; and he (Mr. Jackson) had little difficulty in imagining from whom the noble Lord (Morpeth) who was a stranger in Ireland, would receive suggestions and recommendations in the present instance. He feared that professional merit and competence would not be the qualities sought for; but the object would be to find men who would be likely to promote the interests of a party. In order to show the nature of the selections which had been made on former occasions, the hon. Member stated that he had been informed on authority, upon which he could rely, that a Registering-Barrister, acting under the Reform Bill, had occupied a considerable time in hearing a learned argument upon the Question, whether a lease for 999 years were not a fee simple estate. Mr. Jackson added, that his object in addressing the House was not to discuss the Measure before the House, it being agreed that it should go before a Committee, when he hoped its details would be much improved, but solely to vindicate the Irish Bench from the unwarrantable imputations cast upon them by the hon. and learned Member for Dublin; and he only regretted that it had been left to so humble an individual as himself to discharge that imperative duty.

Mr. *Egerton* said, that he certainly objected to the part of the Bill which protected persons at present registered from being subject to any scrutiny. As a Member of the Carlow Committee, he could state, that it appeared in evidence before them that men had sworn they possessed a beneficial interest of ten pounds out of a farm of three or four acres, for which they paid two or three guineas an acre; whereas it was distinctly proved they possessed no such interest.

The Bill was read a second time.

Landed Securities—Ireland.] Mr. Sergeant *Jackson* moved the order of the day for the House going into Committee on the Landed Securities' Bill.

Mr. *Lynch* said, he had heard no statement made to the House which should induce it to go into Committee on this Bill. The first and second readings having been allowed to pass without any observations whatever, he was, therefore, induced to trouble the House with a short statement of the circumstances under which he brought forward the original Bill, and those under which they were now called on to repeal one of its main provisions. On the fate of that Clause which they were now called on to repeal, the Bill itself depended. It did not appear to him at all unreasonable to allow parties to lay out monies to be invested in real security in England and Wales upon Irish security. He denied that any inconvenience could possibly result from that provision; it had already wrought beneficially for Ireland, and it was an answer to the whole objection to say that the Act was entirely optional, not imperative. It was highly advantageous to bring money under the authority of this Act, and thereby subjecting it to the English courts. But it was said, that there being a registry in Ireland and none in England the law must be administered differently. That argument, however, could not for a moment be listened to by any one who understood the law. With respect to the form of process there could be no difficulty. After a suitor had proceeded to a certain extent in the English courts to obtain principal and interest, he was bound to carry back the decree to Ireland in order to be enrolled, and the Irish courts would then issue process. Then, as to the remedy by foreclosure: There was scarcely a mortgage without a trust for sale, and in that case, undoubtedly, it might be so. With respect to public bodies, they would not have the remedy by foreclosure; they would come within the statute of mortmain. But what was to prevent any party under this Act to stipulate that the remedy should be by sale and not by foreclosure? If a person were obliged to agree to the terms proposed, it was because he could not go elsewhere, and it must be for his advantage to get money under the provisions of this Bill. Why should a landlord involved in great difficulties—perhaps about to be dragged to prison—why should he not be allowed to take advantage of this Act, and borrow money, not at 6*l.* per cent., as at present, but at 5*l.* per cent.? Why not give him the power, the option, of coming under this Act? He did not find that any petitions had been presented from the landed proprietors of Ireland against this Bill in its original form, although all the grand juries had their attention specifically called to it. In fact, as two petitions had been presented against it, emanating from certain societies of solicitors in Dublin, who went so far as to take the opinion of counsel against the Bill, it seemed as if they were afraid of losing business by its operation; but, instead of being losers they would, in reality, be gainers by it. In case proceedings should take place, the answer must be prepared in Ireland; and if evidence were necessary, the commission to examine witnesses would be executed in Ireland. There was nothing more injurious than the present system of borrowing money on land in Ireland; not only was the landlord harassed, but the tenant also. How was the tenant to determine as to the priority of the custodium creditors? One calls at one, another at two, and another at three o'clock; how was he to ascertain their priorities? He had only one alternative to pursue—either to pay them all, or set the whole at defiance. It was to put an end to this great inconvenience that he brought in the former Bill; it had passed into an Act and had done good already to Ireland, and he was convinced it would, in future, if allowed to remain as it was, operate much more beneficially. He objected, therefore, to this proposed alteration of the Act, not only because it would destroy the main provisions of the Bill, but also because it was a substantial breach of faith towards those who had availed themselves of its enactments. He, therefore, begged leave to move that the Committee be postponed till this day six months.

Mr. Sergeant *Jackson* confessed he was rather surprised at the course of objection which had been taken by the hon. and learned Gentleman on the present occasion. That hon. and learned Gentleman did not think this particular clause at all necessary when he contrived and brought forward the original Bill. It went through that House without it, and in another place this objectionable clause was inserted. He had, therefore, the authority of the hon. and learned Gentleman himself in favour of the Bill without this clause. He could not think it fair or right to proceed against Irish estates, as if they were situated in England. The hon. and learned Gentleman said it would be a breach of faith towards those who had come under the act to strike out this particular section; but it was expressly provided that its repeal should have no retrospective bearing. Those parties would not in the slightest degree be affected by it, because it was only to have a prospective operation. He considered that a sufficient answer to such an objection. The consequence of being obliged to proceed according to the 9th section, as if the lands were in an English county, would be, that the suit must be conducted agreeably to the law of England; but although, with respect to registry, the English court might proceed in the same manner as the Irish in questions of contract, as to matters that were transitory, he never heard that doctrine applied to fixed property. It was totally impossible to administer Irish laws in a cause instituted in the English courts. He did not hazard this opinion on his own authority alone. The first legal opinions in Ireland had been taken on the subject. The late Attorney-General, and the present Solicitor-General, for Ireland, concurred in the opinion which he then held in his hand, and in which they strongly deprecated the Bill in its present shape, and urged the necessity of its immediate repeal. He trusted he had stated enough to convince the House that the section introduced in another House of Parliament should be repealed.

The *Solicitor-General* said, it appeared to him that the attempt made by the hon. and learned Gentleman opposite (Mr. Sergeant Jackson) was an attempt to extend one of the most mischievous Bills, in point of principle, that ever passed that House. What did that Bill provide for? That trustees, who were bound to invest their monies in real security in England and Wales, might be at liberty to lay it out in Ireland. This qualification, however, was imposed—if this money were to be lent on Irish security, it should remain within the jurisdiction of the English courts. That provision undoubtedly took the sting out of it; and if that alone were repealed, the greatest injustice would be done.

Mr. *O'Connell*: That proposition was not accurately stated. The consequence of the Bill, standing as it at present did, would be, that instead of a *bonus* it would become the greatest possible mischief to Irish landlords. His hon. and learned Friend (Mr. Lynch) had spoken somewhat disparagingly of the society of solicitors in Dublin, who had petitioned against his Bill. A more intelligent and independent set of men there did not exist. They felt it an incumbent duty, not from regard to their own pecuniary or professional interests, but to their clients, that this law, in its present state, should not be sanctioned; and with respect to the gentlemen of the Irish bar, who had expressed an opinion against the Bill, they did not require any vindication or eulogy from him. The only doubt they had was, whether the Bill should not be entirely repealed. As a practitioner of many years standing in Ireland, he must be allowed, solemnly, to assure the House that a greater mischief to the landed gentry of Ireland could not possibly be devised than this Bill, in its present shape. He took shame to himself for not having looked more narrowly into the original measure when it passed. Had he known that it contained such a provision as that he hoped now to be repealed, he should have betrayed his duty to his constituents, and the people of Ireland, if he had not given it his most decided opposition.

Colonel *Perceval* looked upon this Bill as one of a very important character, and he could not but think that it very properly gave the English trustee, investing his money in Irish security, the aid and protection of the English courts. He was very much disposed to think it but just to allow English trustees and capitalists the protection, in such cases, of the English law. He was not, of course, professionally acquainted with the law, but he could not but think this would be of great advantage to all parties concerned. If the Irish landlord chose to avail himself of English capital, it was but fair that the English trustees should have the protection of the English courts in case of a failure of the Irish landlord.

Mr. Sergeant *O'Loghlen* said, if any proposal were made to repeal the whole act, he would most certainly support it; but the proposition now was of a different kind, and went to continue an act to enable English trustees to lend money on land in Ireland, the words of the trust being "to lend on real security in England and Wales." Now, he did not see how they could fairly continue that act without some provision for enforcing the payment of the money in England. He did not object to go into Committee, but it would be much better to propose that the act altogether be repealed, except as to contracts already made.

The House divided on the amendment, Ayes 18; Noes 39: Majority 21.

House went into a Committee, Bill read *pro forma*, and the House resumed.

HOUSE OF LORDS,

Thursday, August 20, 1835.

Minutes.] Bills. Read a second time:—Savings' Banks' (Scotland).—Read a third time:—Oaths' Abolition; Peace Preservation (Ireland).

Petitions presented. By the Earl of Radnor and Lord Poltimore, from Middleton and Bideford, in favour of the Municipal Corporations' Bill.—By the Earl of Radnor, from Glasgow, against Part of the Imprisonment for Debt Bill.—By the Archbishop of Canterbury, from three Clerical Bodies, against the Irish Church Bill.—By the Marquess of Londonderry, Earls Roden and Shaftesbury, Lord Farnham, the Bishop of Exeter, and another Right Reverend Prelate, from a Number of Places also,—against the Irish Church Bill.—By the Dukes of Buccleugh and Newcastle, the Earl of Glengall, and Lords Bexley, Carbery, and Wharncliffe, from a Number of Places, to the same effect.

Municipal Corporation Reform.—Petitions.] Lord *Brougham* said, that the noble Duke opposite, having a wish to gratify a brother collector of curiosities, had offered him (Lord Brougham) one of the rarest kind, namely, a Petition agreed to at a public meeting against the Municipal Corporations' Reform Bill. He saidat the time, that he feared that this curiosity would, upon examination, turn out to be no curiosity at all; that it would, like the shield of Martinus Cornelius Scriblerus, not gain much advantage by having its nature closely looked into; that when the rust was cleaned off it would not turn out to be real metal, but that by the scouring, all the *ærugo*, so valuable in the eyes of an antiquary, would be rubbed off, and the shield prove to be a brass pot-lid; that, in fact, he should after all only have in his possession a mere hole-and-corner petition. He believed that that was the case, for he had received a statement from a most respectable inhabitant of Hastings, who was present at a meeting held there, and from an hon. Member of the other House, who represented the place, acquainting him with the fact, that there had been a public meeting of 400 or 500 inhabitants, to agree to a petition on the subject of the Municipal Reform Bill, and that a petition in favour of the Bill was unanimously agreed to; and that it was signed by 450 persons; and that within a few hours afterwards, the other party, who had held no public meeting, handed round sheets of paper, and got them signed; and then, he supposed somebody or other—some wag, in hopes of taking in the noble Duke and himself, had sent up a petition against the Bill, as a petition agreed to at a public meeting, and so the great curiosity turned out to be a thing of no value whatever. He should take that opportunity of adding, that he had received a statement respecting a borough in a neighbouring county, which showed how little a property qualification was required in the governing body under the present system, which noble Lords opposite considered so perfect. He should not name the borough: but he found that in the borough of ——, the Mayor had assigned his property for the benefit of his creditors, and was made Mayor before these creditors were paid; that Richard ——, the senior Alderman, was an uncertificated bankrupt; that George ——, the next Alderman, was in the same situation; that Charles ——, the third Alderman, was in insolvent circumstances; that there were three other Aldermen who were non-resident; and that the two remaining Aldermen consisted of the postmaster, and of an individual of whom nothing was said. From this statement, it appeared that three out of the four senior Aldermen had been bankrupts, or were in insolvent circumstances. He trusted that their Lordships would consider this pretty strong evidence, calling on them to reconsider the Amendment they had adopted.

The Duke of *Wellington* said, with reference to the petition from Hastings, that he was sorry to see the noble and learned Lord set so little value by a curiosity he was so eager to possess. At this moment he was not in possession of the means of showing that the petition had been agreed to at a public meeting; but he believed that to be the case when he offered the petition to the noble and learned Lord.

Lord *Brougham* was anxious to be satisfied of the fact before he put the article up to sale; for if it was a petition really agreed to at a public meeting, its value as a curiosity would be prodigious.

Petition laid on the Table.

Polls at Elections.] The Earl of Radnor moved the third reading of the Polls at Elections Bill.

The Marquess of *Salisbury* said, that he had some Amendments to propose to this Bill. He should propose, in the first place, to divide the booths, so that no greater number than 200 electors should poll at any one booth; and if the candidates requested the sheriff still further to divide the polling places, he might increase their number, so that not more than 100 electors should be compelled to vote at any one booth. This latter division to take place on the candidates undertaking to pay the additional expense. He should, in the next place, propose that all the electors, before voting, should take the oaths of allegiance and supremacy, if so required, and that the clause abolishing the necessity for taking these oaths should be struck out of the Bill. He further proposed, that the power given to the returning officer to adjourn the poll should be exercised, not merely when the proceedings "were obstructed by any riot or open violence," as the words now stood in the Bill, but when the proceedings were "interrupted by any riot, open violence, or obstruction whatsoever." The words now in the Bill were not sufficient for the purpose intended. The 8th Clause of the Bill now gave his Majesty in Council power to declare and direct that other places besides those now used, should be polling places. He perfectly approved of giving the power to his Majesty in Council, but he wished that power to be exercised, not on the representations of any individual, but of some respectable body. He proposed that the justices assembled at Quarter Sessions should alone have the power of making such representations; and they might be, in the first instance, applied to by any candidate, or other person desirous of having additional places appointed in which to take the poll. By the Resolution of the Quarter Sessions, his Majesty could be better guided than by the representations of any one individual.

The Earl of *Radnor* had no expectation of this Bill giving rise to so many Amendments, and to so much discussion, and as there was very important business waiting for their consideration, he was willing, if their Lordships wished, to adjourn this debate now, and to meet early on Tuesday —say 12 o'clock—for the purpose of going on with it ["*No, no; go on now*"]. He was opposed to the Amendments proposed by the noble Marquess. In the first place, he thought oaths administered at the time of an election, and in the midst of its excitement, were rather a profanation than anything else. An election booth was certainly the last place in the world where a solemn appeal of that sort should be permitted. As to the Amendment relating to the number of booths, he begged to observe, that this was a Bill relating to borough, and not to county elections. As to the Quarter Sessions first hearing and deciding on the application, the noble Earl was understood to say, that as the business of Quarter Sessions must now be conducted in open court, he had little objection to the Amendment.

The Marquess of *Londonderry* said, that if the Amendment of his noble Friend was carried, as to the introduction of the words "obstruction whatsoever," it would be in the power of any candidate whatever to gain time, and delay the election by creating some "obstruction" to the polling. The words were far too general.

The Earl of *Falmouth* objected to the Clause which gave the same number of hours' polling for winter and summer. It might be well enough to close the poll in winter at four o'clock; but he proposed, that from the 1st of April to the 1st of October, the poll might be kept open to six o'clock.

The Earl of *Radnor* said, that these were the hours fixed by the Reform Act; and surely if there was sufficient time in winter to take the poll before four o'clock, there must be sufficient time in summer.

The Duke of *Richmond* hoped that the noble Earl would not consent to the Clause which empowered candidates to put the oaths of allegiance and supremacy. These oaths were never administered, excepting for the purpose of giving some political advantage to either the one candidate or the other; and he hoped that the House would not allow them to be put for such purposes.

The Earl of *Wicklow* approved of the Amendment suggested by the noble Earl (the Earl of Falmouth). He had heard no arguments which could induce him to make so great a change as the abolition of these oaths would make. But independently of that objection, he was opposed to the present Clause, because it was partial in its operation. It abolished the oaths in borough elections, but not in those for counties. He thought such oaths ought to be abolished altogether, or not at all.

The Earl of *Ripon* agreed with the noble Duke, that nothing was more desirable than the abolition of unnecessary oaths. He would oppose the Amendment.

The Bill was read a third time. The Marquess of Salisbury then proposed, as an Amendment, that the Clause dispensing with oaths be omitted.

The House divided on the Question, that the Clause proposed to be omitted stand part of the Bill.

Contents present 47; Proxies 36;—83. Not Contents 48; Proxies 13.—61.—Majority 22.

Bill passed.

List of the CONTENTS.

PEERS PRESENT.

Auckland
Melbourne
Lansdowne
Duncannon
Glenelg
Holland
Brougham and Vaux
Torrington
Poltimore
Charlemont
Saye and Sele
Bexley
Winchilsea
Calthorpe
De Grey
Foley
Cloncurry
Dunally

Albemarle
Gardner
Teynham
Carlisle
Cleveland
Hatherton
Breadalbane
Minto
Barham
Plunkett
Ilchester
Clanricarde
Richmond
Ripon
Radnor
Leitrim
Lilford
Conyngham
Strafford
Aberdeen
Ducie
Devon
Mostyn
Bishop of Bristol
Bishop of London
Bishop of Hereford
Bishop of Limerick
Bishop of Chichester.

PROXIES.

Bishop of Norwich
Sutherland
Buckinghamshire
Paget
Dorchester
Chichester
Mulgrave
Segrave
Grey
Durham
Lyttelton
Lake
Anglesey
Sussex
Godolphin
Argyll
Falkland
Shrewsbury
Stourton
King
Carleton
Fitzwilliam
Oxford
Yarborough
Huntingdon
Arundel
Derby
Granville
Lynedoch
Gosford
Glenlyon
Fingall
Camperdown
Rossee
Welles
Ludlow
Leinster.

TITHES AND THE CHURCH (IRELAND).]* Viscount *Melbourne* spoke to the following effect: My Lords—Before I proceed to the Order of the Day, I have it in command from his Majesty, to give his assent to this measure, and to acquaint this House, that his Majesty has been graciously pleased to place at the disposal of this House, for the purposes of this Bill, his interest in the Ecclesiastical dignities and benefices in Ireland.

It now becomes my duty to attempt to induce your Lordships to make another effort for the final settlement of the question of Tithes in Ireland, a subject which has given rise to so much trouble, vexation, and evil, which has produced that unfortunate disregard and contempt of the law, which has now for so long a period prevailed in that country. I am now called upon to attempt to persuade your Lordships to make another effort, in order, to use the language of the petition which has been presented, and which is signed by so many of the prelates of the Established Church, to restore tranquillity to that long distracted portion of his Majesty's dominions. Lest I should forget it, your Lordships will perhaps now allow me to say, with respect to that petition presented by the most reverend Prelate at the head of the Church, and just now read at length, that I do not think it fairly represents the object of the Bill; neither can I agree in the language in which the petition is couched, nor the consequences which it anticipates from the measure; at the same time, although I disagree with the objections urged in that petition, I do not consider them to be unfairly stated, nor do I take exception to any part of that document, except to those imputations which are cast by it upon the opinions and practice of the Roman Catholic Church. Language of such a character as the following, should not be employed on such an occasion nor directed to such an object; "in a land where disaffection to the British name, contempt of legal authority, and blind obedience to the Papal See appear in their undisguised forms." This, my Lords, is not charity and conciliation, nor are these the expressions which the Ministers of one religion should hold towards those who profess another faith; it is language totally unbecoming and uncharitable. It is in the highest degree impolitic, and more particularly inconsistent with the statements generally made, and the opinions held and professed upon this subject. You charge the Roman Catholics with superstition, with implicit obedience, with an unreasoning adherence to error, and with a blind submission to their priesthood. Recollect, the more superstitious a religion is, the more unreasoning and tenacious is the attachment and devotion of its adherents; the more impatient are they of anything in the shape of contumely or insult, and if you employ any weapon of this description, you do your utmost to counteract your own objects, and to build up insuperable obstacles to your own success. Your Lordships will forgive me, if I repeat a very old story from a very ancient historian upon this subject, a story which has always appeared to me to be pregnant with wisdom delivered in a form striking and impressive from its simplicity. It is said by Herodotus, that it was a question in those times, whether the crimes and extravagancies of Cambyses, the conqueror of Egypt, were to be attributed to malignity of disposition or to derangement of intellect. "For my part," concludes the historian, "I consider him to have been mad; and for this single reason, that being anxious to establish his power and dominion in Egypt, he yet outraged and insulted the sacred rites of the Egyptians." Depend upon it, those who are anxious to establish their influence in any country, ought not to begin by offending the religion of the majority of the community.

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* From a corrected Report, published by Ridgway.

My Lords, I have said that it is my wish to induce your Lordships to make another effort to put an end to the misfortunes which have under the tithe system grown up in Ireland. Formidable, we now know has been the opposition, and great the outrages committed against the property of tithes in that country; but I would beg your Lordships to recollect that it is not only in Ireland that in the present day opposition has arisen to this description of property. My Lords, we are very apt to know little of what is passing in foreign countries, and particularly in those countries where there being no representative assemblies, no publicity is given to the questions which agitate and divide the public opinion. But this indisposition to pay tithe is at the present moment epidemic throughout Europe; and prevails in countries where this species of property belongs not to the clergy, but to laymen, and where therefore it is not liable to the objections arising from differences of religious belief. In Germany the tithes have almost universally passed into the hands of laymen. At the time of the Reformation, the continental Reformers laid heavier hands on the Church than in this country. The tithes belonging to the parochial clergy became the property of the lords of the soil, and the tithes of the abbies and of the bishoprics became the property of the State. This was the case in those countries which embraced the doctrines of the Reformation. In the Roman Catholic States also, the tithe has, by other means, by contracts of various descriptions, by lease, by sale, passed almost entirely out of the hands of ecclesiastics into those of laymen; and yet this charge, thus disposed of, is found in many, if not in most of those countries, to be liable to so much objection, to be pregnant with so much discontent, and to be so likely to produce resistance, that the Governments have thought it prudent to take measures beforehand for a more satisfactory settlement and arrangement between the parties paying and the parties entitled to payment. Such has been the case in Prussia; a provident and long-settled government; a government which well administers its own affairs, which makes the most of its resources, which sees beforehand the difficulties which are coming upon it, and the means of obviating them, and which possesses the power, in such circumstances, of taking the necessary measures. Prussia took steps for this purpose immediately upon the conclusion of the peace; other states of Germany followed her example; and I am assured, that in countries which have not acted with this prudence and precaution, in countries which are supposed to be the most tranquil and contented, in which the authority of the government and the law appears to be the best established, I am assured, I say, that there prevail, at this moment, the most lively apprehensions with respect to the security of this property, the greatest doubt whether it will continue to be collected, and a serious question, whether measures of composition and agreement have not been delayed, until it has become too late to adopt them. I state these facts shortly, but positively, to your Lordships, in order to show you, that we are not alone embarrassed by this question; and to prove also, that there is something in the nature of the property itself, in its character, in the mode in which it is imposed, and in the manner in which it is paid, which renders it naturally pregnant with discord, with difficulty, and with dissensions.

My Lords, I know I shall be told, as has been set forth in the petition of the right reverend Prelates just read to your Lordships, that the tithe is an original charge upon the land; that it is, in fact, part of the property, of which the tithe receiver is a part owner, and not an incumbrancer. Political economists wish to prove, that it is paid, not by the proprietor of the land, but by the consumer of the produce. Both these positions may be true; and I believe they are so. But every statesman of a mind at once enlightened and practical, will consider with respect to every measure, and particularly with respect to measures of finance and pecuniary charge, that there are two material considerations to be kept in view, the real effect of a measure, and its moral effect. In imposing a tax, it is most important to be certain in what quarter the burthen of it really falls; it is hardly less essential to consider, where it is thought and believed to fall; and, my Lords, your Lordships may establish clearly that the tithe is a tenth part of the produce belonging originally to one party, whilst the other nine parts belong to another; or you may prove, by the most conclusive train of reasoning, that the tithe is not paid by the tenant of the land, who appears to pay it, but that it is paid by the consumer in the price of produce; you may reason to this effect as long as you please; you may illustrate it by the most felicitous examples; you may elucidate it by the clearest deductions; you may place it before the people in the most easy and popular form; but you will never persuade the bulk of mankind, that it is not paid by those who give the produce, or lay down the money in the first instance; and that the burthen does not really fall, where, according to the common sense, according to the eyes and the ears, it appears to fall.

The fact is, it is a mode of payment belonging to earlier times, and preserved to the present by extraordinary and accidental circumstances. The influence of religion, and the consequent power of the clergy attempted, and in some degree succeeded, in extending this charge to profits of every description. It was orginally introduced among the Jews—a pastoral nation—where it was easily levied, there being no difficulty in taking the tenth goat, the tenth calf, and the tenth lamb. From these it extended to agricultural produce, to which it was less applicable; but still in the rude state of agriculture, in early times, it was not so onerous, as it afterwards became. But, as society increased, and improvement grew, it became an impost impossible to be endured—an impost of the heaviest and most vexatious character:— an impost in any country likely to produce difficulties; but when we consider the particular circumstances of irritation under which it is levied in Ireland, it is impossible to believe that it could have been much longer continued to be discharged with tranquillity in that country. I know it may be said, that the observations I have made naturally lead to some measure of change with respect to tithes in this country. My Lords, I admit it. Such a measure has long been contemplated. Such a measure I think called for, and it has been demanded by a noble Lord whom I now see opposite to me (Lord Ellenborough). I admit that it is a question which necessarily must become the subject of the earliest attention, both of the Government and of Parliament. It is now however my intention to propose a measure relating exclusively to Ireland, with the provisions of which I believe your Lordships are already for the most part acquainted. It is nearly the same measure, as far as tithes are concerned, which was submitted to your Lordships, and which your Lordships rejected, last year. It is very nearly the same measure which was opened to the House of Commons, by a gallant Officer, late Chief Secretary to the Lord-lieutenant of Ireland. That your Lordships rejected the Bill of last year, is no reason why your Lordships should not now entertain the present measure. I can recollect but one argument upon which you rejected the Bill of last year—it was, that the Bill had been materially changed in its progress through the other House, from what it had been when first introduced by his Majesty's Government. [The Duke of *Cumberland*: hear.] The illustrious Duke admits that that was the ground of objection. [The Duke of *Cumberland*: No — no — I did not say that.] I understood from the cheer of the illustrious Duke that he assented to what I said—and I was about to add my hope —that as the chief grounds for the rejection of the measure last year were personal and temporary—that as that time had now passed away, and the feelings it excited were cooled down—the rejection of last year would not be adopted as a precedent for the present occasion.

Indeed I remember to have heard but one reason urged in that debate, viz. that the principle Amendments in that Bill had been proposed in the other House of Parliament by an hon. and learned Gentleman, whose name we often hear in this House. This appeared to me then to have been a very bad argument; it strikes me in the same light now; but a considerable interval has elapsed; time has been given for angry feelings to cool; and I trust that the provisions of this Bill will now be considered upon their own merits, and not with reference to personal prejudices and objections.

The object of this Bill is chiefly to throw the payment upon the landlords, upon whom it imposes for every 100*l.* of tithe due, a rent-charge of 70*l.*, to be levied by the Commissioners of Woods and Forests, who are to deduct for the expenses of collection sixpence in the pound, thus giving to the tithe owner 67*l.* 10*s.*

Now though this is less than the amount proposed in the Bill of last year, yet the payment is much better secured, and so far a considerable improvement has been effected. We have, however, a new difficulty to contend with, a difficulty produced by the rejection of the Bill of last year, and which will be still further increased should your Lordships think fit to reject the measure now under consideration. That difficulty arises from the arrear which has accrued due for the year 1834. It is intended to give no relief for any arrears previous to 1834. Suits commenced for the tithes of the preceding year will proceed in their ordinary course; but all claims for which legal proceedings, have not been instituted, are extinguished by this Bill. For the arrears of 1834 it is required that the tithe-owner shall state the amount due to him from such landlords as have not undertaken to pay the tithe. For the recovery of these sums, it will be the duty of the Attorney-General to institute summary proceedings.

This Bill also contains provisions for re-opening the Composition for Tithes. This was on a former occasion deemed objectionable, and in point of principle I do not consider it to be entirely defensible; but there was in the original compositions so much of neglect, they were so hastily and imperfectly concluded, and so often effected by fraud and false representations, that it is expedient to introduce provisions for re-opening and reconsidering them in the present Bill. To effect this re-opening of the compositions, the tithe-owner and the tithe-payer must apply by memorial to the Commissioners of Woods and Forests, stating the grounds of objection, which, if found sufficient, the matter will be referred to three barristers, who will be empowered to proceed to the revision. I shall not enter further into the details of the measure, as from the frequent discussions they have undergone in another place, they must before the present time have become quite familiar to your Lordships. But without further delay, I shall come to a point in which I know your Lordships take a deep interest, and which is of vital importance, inasmuch as it affects the religious feelings and the religious interests of the country. It is true that the Bill provides for the diminution in some cases, and for the extinction in others, of certain benefices of the Church of Ireland. Your Lordships are aware of the appointment of a Commission to inquire into the state of the Established Church in that country. That Commission was executed without any difficulty, and I believe without any of the evil consequences which were anticipated from it. The Commissioners received the zealous co-operation of men of all religious denominations, and I apprehend there is no substantial reason to be dissatisfied with the mode of conducting the investigation, or with its results. From the Report of the Commissioners, it appears that there are 1,250 benefices in Ireland. Some of these are made up of unions of parishes, those unions consisting in some cases of three, four, and five, and in others of eight and nine parishes. Of these unions there are 520. The others consist of single parishes. There are 975 single parishes, in each of which there are less than fifty Protestants, but of which the united income is 170,000*l.* a-year. There are 155 parishes with an income of 12,000*l.* a-year, which do not contain one Protestant; there are 173 parishes of which the income is 19,000*l.* a-year, and in each of which the number of Protestants is under ten. There are 406 parishes of which the joint income is 54,000*l.* a-year, and in which the Protestant population seldom exceeds fifteen, and never exceeds fifty.

The Bill provides that, whenever the number does not exceed fifty Protestants, the benefices should be sequestered into the hands of the Ecclesiastical Commissioners, until the Lord-lieutenant shall otherwise direct. But if any Protestants are found to exist in a parish, however few their numbers, the Commissioners are either to appoint a curate, or commit the parish to the care of some neighbouring minister. The income of the curate is not to exceed 100*l.* per annum, with a house and glebe-land of the value of 25*l.*, but this is only where there are already a church or chapel, and glebe. All benefices above the value of 300*l.* per annum, are to be regulated and reduced by the Lord-lieutenant in Council, according to the peculiar circumstances of each. But no benefice is to be reduced below 300*l.*

a-year, in any case in which it now exceeds that sum. Of the proceeds of these suspended benefices it is intended to constitute a fund, to be called the Reserve Fund, to be paid into the hands of the Ecclesiastical Commissioners. This, with the residue of the grant of a million, and the sums which shall be recovered from the landlords, not being undertakers, is subject, in the first place, to the various expenses of opening the compositions, and to the payment of, and the relief to the clergy, and the residue is then to be paid over to the Consolidated Fund, which fund, in consideration of this receipt, is charged with the annual payment of 50,000*l.* for the moral and religious instruction of the people of Ireland without distinction of religion.

I have thus, my Lords, briefly gone through the principal provisions of this part of the Bill—and now, if I am asked on what grounds I rest my justification of the introduction of this important measure? I answer that, in the first place, I rest it on the 116th Clause of the Church Temporalities' Act—I rest it upon that Clause by which the Ecclesiastical Commissioners are enabled to suspend the appointment to any vacant benefice in which Divine Service has not been performed for three years previously to the passing of that Act. This establishes the principle of the power of suspension of benefices which is adopted in this measure. I do not contend that it establishes the principle of the appropriation of the proceeds; because, undoubtedly, by that Act, the application of the fund is limited entirely to purposes of a strictly ecclesiastical nature. But, my Lords, by that Act, we reformed the hierarchy of Ireland. Your Lordships I know will not allow me to say that we thereby strengthened the Protestant Establishment. You will not permit me without contradiction to affirm that effect; but I do say, my Lords, that we have not weakened the Protestant Establishment—we have relieved it from the reproach of excess and extravagance; and since the passing of that Act, we have not heard the same clamour and invective directed against that part of the Establishment which we were in the habit of hearing previously. But if I am asked, on what further ground I rest my justification, I state distinctly that I found myself upon the resolution of the House of Commons, "That any surplus revenue of the present Church Establishment in Ireland, not required for the spiritual care of its members, be applied to the moral and religious education of all classes of the people, without distinction of religious persuasion; providing for the resumption of such surplus, or of any such part of it, as may be required by an increase in the number of the members of the Established Church." This resolution displaced the former Administration and established the present. When I accepted the office which I now hold: and when the Government, of which I am unworthily the head, was formed, I was asked in this House, whether I came into office pledged to carry into effect that resolution. I answered distinctly that I was so pledged. Your Lordships heard that reply, and knew the grounds and principles of that Administration. You permitted the formation of that Administration—you have since permitted it to conduct the affairs of this country, differing from it undoubtedly upon some of the measures which it has introduced, but at the same time not obstructing the measures of the Government necessary for carrying on the public service; but on the contrary giving to them your general support and acquiescence.—I ground, therefore, my Lords, my justification for venturing to undertake that Government,—and no man, my Lords, was more apprehensive of that step, nor more unwilling to take it than myself—no man was more sensible of the narrow grounds upon which the Administration was formed, nor of the formidable and powerful opposition which it had to encounter; but, my Lords, my justification for accepting office, and for continuing to hold it in the present circumstances, is to be found in the conduct of the majority, which every evening is opposed to me in this House. Your Lordships form a great popular assembly, a numerous body; your Lordships are men, and every large assemblage of men, whatever may be their rank or station, is of the same nature and character; is governed by the same laws, actuated by the same feelings, impelled and agitated by the same passions. Now it is not in human nature that a great and decided majority should continue to suffer a minority to conduct the public affairs, unless they felt themselves under the pressure of some strong necessity, unless they were conscious that such conduct was prescribed to them by the most over-ruling considerations of prudence, policy, and discretion, and unless they were compelled by a force almost irresistible, to observe an abstinence and forbearance not natural to them any more than to the rest of mankind. I say then, that your Lordships' conduct in refraining from the exercise of your constitutional power, and in not interposing more effectually for the removal of the present Administration, is a justification of the course I have pursued, as full and as decided as if I could command the support and approbation of the majority which I now see arrayed over against me.

It is therefore upon these grounds that I propose this measure to your Lordships; but there are other and still larger and more ample grounds on which I rest my assertion of its necessity—I rest it on the anomalous, the paradoxical state of the Ecclesiastical Establishment of Ireland, considered with relation to the population of that country. My Lords, I have often had occasion to state that the circumstance of a great Protestant Establishment in the midst of a great Catholic population must be productive of great difficulties; such difficulties have existed at all times, since the existence of the anomaly which I have noticed. The responsibility of this state of things, we, in our complacency and self-approbation, are very apt to cast upon the conduct of those who have gone before us; upon the centuries during which we acknowledge that Ireland has been subjected to every form and mode of misrule and bad government. In our vanity we sit in judgment and pronounce very absolute condemnation upon the measures and conduct of former kings, former ministers, former parliaments, and former generals. We are perpetually exclaiming, this was wrong and that was wrong.—He should have done this; he should have done that; what blindness to pursue this line of policy; what an erroneous judgment to adopt these measures. Why, my Lords, it is probable that if those, whom we so positively condemn, were here to defend themselves, it is probable, I say, that they would be able to shew in one sentence, perhaps in one word, that we know nothing about the matter, and that amidst the prejudices, which then prevailed, under the influence to which they were subjected, in the general state of circumstances by which they were surrounded, they could in fact pursue no other course than that which they did pursue,—and most certainly upon this Question of religion and religious establishment they would have something to say for themselves, something to urge in their own defence, and in their own behalf. They would say, a Roman Catholic population and a Protestant Establishment is a state of things which we never either contemplated or intended; our policy might be violent, our measures might be cruel, our objects might be impracticable; but still we had definite and reasonable objects in view. We intended the eradication of the Roman Catholic and the substitution of the Protestant faith—such was our end, and such our means from the reign of Henry the Eighth down to the enactment of the Penal Code. If you abandon our policy, as you have done, you must abandon it entirely, and you must adopt not only a different, but precisely the opposite course.

But, my Lords, whatever may have been the conduct of our ancestors, it is left us to meet the difficulties of the present state of Ireland, and greater or more perplexing difficulties no Government or Parliament ever had to contend with. It is your Lordships' duty to approach the consideration of these measures with great caution and great temper. The maintenance of a large Protestant Establishment, where there is a very small or no Protestant population, is not consistent with any principle or with any policy. Your Lordships have been told, in several petitions, that you ought not to divert the property of the Church to other than Ecclesiastical and pious purposes; but I must contend that, by the provisions of this Bill, you are not diverting it from such purposes; on the contrary, I maintain that you are restoring it to those purposes for which it was originally intended. Will it be said that, of a Protestant Clergy with a large income, where there are no Protestant inhabitants, that it serves any useful purpose, any Protestant purpose, any religious purpose—what character does such a Clergyman support or bear? Pastor he is not, for he has no flock to tend, no care of souls—missionary he is not, he cannot be an effectual missionary, because he is not disinterested—he has no part of the character which belongs to and constitutes a missionary to convert the heathen; but supposing he is considered as a missionary, I must say, referring to what has been stated in the petition from the Protestant Prelates of Ireland, which has been presented this evening, and in which stress has been laid on the gross superstition of the Roman Catholic Church, that much as I may lament the great errors of that Church, and much as I may deprecate some of its doctrines, yet I, grounding myself upon the authority of the prudent and tolerant doctrines delivered by the reverend Prelate at the head of our Church upon a former evening, assert that the main opinions of that Church being essentially the same as those of our own, it is not fitting to treat the Roman Catholics with insult, by sending amongst them missionaries, as if they were worshippers of Juggernaut, or the votaries of any other barbarous superstition.

At the same time, my Lords, that I propose this Measure, I am fully aware of the effects which it will produce, and of the objections which may be urged again. I am deeply sensible and much concerned at the impression which I feel that it will make. I cannot conceal from myself that it will be in the first instance, and for a certain time, a heavy blow and a great discouragement to Protestantism in Ireland; that it will be also a great triumph to the adverse party. I am well aware that it is not the same thing to destroy as never to have constituted; to demolish as never to have built up; but this evil, which I trust will be but temporary, is forced upon me by the untoward circumstances which I have already described. I cannot avoid it, and that which I cannot avoid, I must submit to with as much patience as I can command, and temper with as much remedy and alteration as it is in my power to administer.

I admit the great peril and danger which necessarily attends upon and accompanies such mighty and fundamental changes. The shake and convulsion which they create, render doubtful the safety not only of the Establishment, but of the Constitution itself. It is, however, only in popular governments that such fundamental alterations can be made consistently with the public tranquillity. The gradual manner in which they are introduced, and the public discussion of their principles exhaust and expend much of the zeal and violence of the contending parties, and the mind of the people is prepared for their adoption, before they are actually carried into effect.

Upon the present occasion, I trust that the measure which I propose, will be carried solely by its own reason, and by its own justice.

Amongst many wise and prudent remarks delivered by Sir Robert Peel in the course of that struggle for the Government of the country, which marked the commencement of the present Session, one observation peculiarly commanded my respect and approbation. I do not remember the exact words and cannot express the substance with the same force and felicity as the hon. Baronet, but the import was, that his advice to the Crown had been upon no account to divest itself of that moral force which it derived from restraining its action strictly within the limits of the Constitution. With a voice of much less weight and authority, but with equal sincerity, I would venture to address to the people of Ireland and of England the same advice which Sir Robert Peel gave to the Crown, I would suggest that they must not attempt to urge on, or carry any measure which they may deem one of justice to themselves by illegality or violence; and that any attempt of that nature must only weaken and contract that influence which it is their wish to strengthen and extend.

My Lords, I have little more to add, than to move that this Bill be now read a second time. I ask your Lordships to give it a fair, attentive, and serious consideration. I beg your Lordships to weigh well the responsibility under which you are acting. I beg you to consider that you stand at the head of a great and mighty Empire, an Empire larger than any that has existed since the downfal of Rome, and that its future destinies are committed to your charge. It is now many years since Mr. Burke, imitating one of the great orators of antiquity, exclaimed in Parliament, "We may have rivals, we may have enemies:—I do not fear the power of our rivals; I do not fear the greatness of those enemies; but there is one thing which I do fear, and that is our own power and our own greatness." "Our Indian Empire is an awful thing." Since that time not only that Empire in India, but the whole of our territories and our dependencies have swelled, and been increased and augmented by acquisition, by conquest, and by their own internal growth and expansion. With an Empire so vast, extended, and scattered in every part of the globe, and containing within its very bosom every form of government, every code of law, every modification of society, and every race and condition of man,—it is impossible to expect that there ever should arrive a time when there will not exist in some part of such vast dominions some circumstance which creates uneasiness and alarm. I may, my Lords, be sanguine, I may be short-sighted; perhaps both; but it appears to me that at present there is as little ground for serious apprehension, as little probability of the occurrence of trouble or danger, as it is possible at any time to look forward to. I see nothing to fear except our own differences and dissensions, and these, I cannot conceal from your Lordships, I look upon not without real and grave alarm. In this state of affairs I propose to you this Measure. I pray you to consider it without any narrow views, and casting away from you all prejudices,—I pray you to consider it with reference to the extent of that great Empire, the affairs of which you have to administer, and which by sound and enlightened policy may be maintained and aggrandized, but the safety and continuance of which cannot be secured, unless you legislate according to the interests and feelings which prevail in every constituent part of his Majesty's dominions.

Lord *Fitzgerald and Vesey* said, that being connected with that part of the United Kingdom to which the Bill referred, and this being the first occasion on which he had had an opportunity of stating his opinion on the subject, he hoped he should be pardoned for obtruding himself thus early on the notice of the House, in attempting to reply to the noble Viscount opposite. In one respect he would endeavour to follow the example set by the noble Viscount, in the calm and temperate tone in which he had discussed the Question; he did not undervalue (and he was sure their Lordships did not undervalue) the importance of approaching the subject with calmness and without prejudice. He would not follow the noble Viscount into his historical illustrations, for with great respect he must say that he did not think the illustration of King Cambyses and the Jews was very felicitous as applied to the present Question. He must also observe, that the remarks of the noble Viscount on the petition presented from the Irish Prelates were not made with his usual discernment and candour. He had, in common with their Lordships, listened with the attention it deserved to the petition of the right rev. Prelates, which appeared to him to be marked with the tone and feeling which ought to belong to men of their sacred office. He owned therefore that he had heard with surprise and regret the noble Viscount attack that petition for its illiberality, and for language unbecoming the petitioners as prelates of that church which had been committed to their care. He had looked over the petition, and he could find nothing in it which could justify the noble Viscount's severity. The only part of it which at all referred to the professors of another religion was that in which they stated, that in the measures proposed by this Bill they could discern a design to forward the views of a party which intended nothing less than the destruction of the Protestant Church, and putting the superstitions of Popery on its ruins. That was the only passage which could at all call for any comments from the noble Viscount, and certainly it appeared to him not to call for the severity of comment with which the noble Viscount had visited it. It did not become him to be the advocate of those right rev. Prelates, they did not need it, but he considered it the duty of every Irish Protestant to do justice to that most exemplary body. In another part of his remarks he would add a few words with the intention of doing something like justice to another body of the Irish Clergy, to whose zeal and piety the petition of the Prelates of Ireland bore testimony. The noble Viscount had dwelt on the impolicy of the tithe system, and had gone into its early history. The noble Viscount had also dwelt on the objections made to it in several states on the Continent, from its mode of collection; but would not any one who heard the noble Viscount have thought from what the noble Viscount had said, that he was applying his remarks to a country where tithe as such was collected? Would it not be thought that tithe was collected in that objectionable manner in Ireland? Was there, he would ask, any parity of circumstances between the case of Ireland and those countries to which the noble Viscount had alluded? In Ireland for nearly the last fourteen years a composition for tithes had existed, at first a voluntary composition, which was at last made compulsory. The noble Viscount had met one objection which must have occurred to any one who had considered the subject. He had anticipated the question—why do you apply yourself and your remedy to that country where tithe is not paid, and omit the country where it is collected as tithe and not by composition? He (Lord Fitzgerald) would admit, that the noble Viscount had spoken of the difficulty of dealing with the question in England; but he had reason to complain that the noble Viscount, in doing so, arguing as he did with respect to England, did not apply his principle to that country, but that he should carry it to a country to which it did not apply. It was not his intention on this occasion to go into the details of the Bill, as it was not his intention to oppose the second reading. With respect to the principle of a rent charge of 70*l.* to be paid to the clergyman, he thought it a great sacrifice; and when the noble Viscount said that the present Bill was the same as that of last year, he could not concur with him. That Bill, the noble Viscount said, was very different when it came to that House last year from what it had been when it was framed under the Government of the noble Earl whom the noble Viscount succeeded in office. It came to that House under circumstances which were not calculated to insure it a favourable reception. It had come up after debates and discussions on it in another place which must have alarmed all who regarded the safety of our institutions. The noble Viscount could not, under such circumstances, have been surprised at the reception it had met; but at that time those principles had not been insisted on which, if carried out, would lead to the conclusion that no Protestant Establishment should be kept up. In one respect the present Bill was an improvement on that of last year, as it gave a better security for the payment of the clergyman by placing the charge on the land. Before he came to the other parts of the Bill, he would say that he did not desire to throw any obstacle to that part of it which referred to the immediate pecuniary interests of the Clergy. However he and those with whom he acted might lament the loss of 30 per cent., however much they might lament the outrage committed on property, they would not object to the principle of securing a rent-charge to the Clergy, even at a considerable loss. He was therefore ready to assent to the second reading, and to go to the Committee, not with the view of defeating it, but of rendering it more efficient for its object; but he would ask, had their Lordships, in the course of the noble Viscount's eloquent address, heard one word to show that the measure of appropriation and that which secured payment to the Clergy were inseparable, and that they must adopt or reject both together—that they must adopt a principle of spoliation or do an act of gross injustice to the whole body of the Irish Clergy? Their Lordships would, of course, from what he had said, naturally conclude that one object of going into the Committee would be to separate those two parts of the Bill, which he must contend were in no degree necessarily connected. When he said this, he did not speak on his own authority alone, he had the authority of some of the leading supporters of the Bill to show that no such necessary connexion existed. [The noble Lord here referred to the opinions of Mr. Littleton (now Lord Hatherton), of Lord John Russell, and Lord Althorp, as given in their speeches of last Session, to show that it would be impolitic to mix the question of provision for the clergy with that of appropriation of a surplus church revenue.] He would not, he said, add a word to what had been so much better expressed on this subject. The next part of the speech of the noble Viscount referred to the re-opening of the composition. Against that he must protest, as a measure which would be fraught with injustice. The noble Viscount himself had admitted that it would be unjust. The composition had been a most salutary measure. He maintained that if there was anything for which they ought to be specially obliged to the Government of which Mr. Goulburn was a member, it was the Tithe Composition Bill. For his own part, he had taken a share in the discussion on that measure, and he now saw reason to regret that he had opposed the compulsory Clauses, and left all to be settled by voluntary contribution. But now the noble Viscount asked them to overturn this voluntary composition, which was an act of injustice as regarded both the contracting parties. In fact, of all the provisions of this generally objectionable Bill, that was the most decidedly objectionable. The composition under the Act of Mr. Goulburn was a voluntary composition; but, independent of that fact, the time which had elapsed since they had been entered into—the difficulty which the present incumbents would have in procuring evidence of the composition—the trouble, the expense, the uncertainty, the delay, made it a monstrous proposition. He admitted that the Clauses guarding against the re-opening of a composition without sufficient grounds provided for some of the evils; but these were only the minor evils—the greater were left untouched. He would ask their Lordships whether it savoured of justice to oblige the unfortunate incumbent of a parish, in a country banded as it were against the law, to reproduce the evidence of a contract which had been entered into, perhaps by his successor, the documentary and traditional portion of which might be lost; and to reprove his right in the face of a community hostile to him, at an infinity of expense, and incalculable trouble and danger? He would beg to call the attention of their Lordships to two or three points respecting these representations on which the noble Viscount founded his reason for that portion of the Bill, and defended its justice. With respect to the justice of the case, it would be sufficient for him to observe that these compositions had been entered into about thirteen years since in an average of the cases, and that they were all voluntary. These representations were, therefore, rather retractions of a contract by the one without the consent of the other contracting party. But how did these voluntary compositions stand? It would be remembered that an appeal was allowed to the Lords of the Privy Council. The compositions since the passing of Mr. Goulburn's Act were 1,505 in all. From that number there were only thirty-nine appeals; of which a portion was from tithe-owners as well as tithe-payers. Out of that thirty-nine, fifteen were withdrawn, and six referred to the Judges of Assize; eighteen remained for the consideration of the Privy Council. Of that number only three were reduced—the remainder were affirmed. With these facts staring him in the face, the noble Viscount wished to re-open the compositions. He should now approach a part of the Bill to which he felt, as a Protestant—an Irish Protestant—his language could not do justice—he could not do justice; he meant that part which sequestrated parishes having under a certain number of Protestants residing in them—a part which the noble Viscount had described as a recurrence to the principles on which the Church was founded, not a departure from them—a restoration, not a spoliation. At the time the Union between England and Ireland was effected, the integrity of the Protestant Church was guaranteed by one of the articles of the Act. Any abuses that might be proved to exist in the Established Church he should be ready to meet in a fair and honest spirit of reform. He did not stand there as the defender of sinecurists and pluralities—he should not be opposed to any principle of Reform consistent with the constitution and discipline of the Church. It was, he contended, well understood and provided for at the Union between Great Britain and Ireland, that the Protestant religion was to be maintained in Ireland. He was willing, as he believed all true Protestants were, to do everything he might to promote any Christian Reform in the Church Establishment, which might be necessary and consistent with its discipline; but he earnestly raised his voice against spoliation. To show that Parliament had always hitherto felt bound to observe that article of the Union which provided for the security of the Established Church, he need only refer to the measure of Roman Catholic Emancipation; which, though opening the doors of the Legislature to persons of all religious persuasions, still imposed upon the Catholic Members certain obligations with respect to any course they might adopt on questions relating to the Established Church. Again, the grounds on which the Church Temporalities' Bill was recommended were, that it was to secure the remainder of the Protestant Establishment; yet the Church Temporalities' Bill was now quoted by the noble Viscount as a ground for further aggression. He confessed that this induced him to look with more suspicion and jealousy at the measure proposed. He did not for a moment wish to reflect upon the gentlemen of whom the Irish Church Commission was formed; but he must take leave to say, that, in many respects, their Report was extremely erroneous. This was the necessary consequence of their want of knowledge of the country, and of their consequent inability to judge between the exaggerated statements that might be made to them on both sides. As matters then stood, however, he thought that the parishes proposed to be sequestered ought to be made the subject of further inquiry. He was most strenuously opposed to the sequestration of parishes on a numerical principle—to depriving the Protestants of a parish of all religious ministration, because they did not come up to the "parson's point," as it had been called. In repudiation of this numerical principle, he read several extracts from the *Edinburgh Review*, and went on to say, that not alone upon the grounds on which he had already opposed the Bill, which were merely political, but upon yet higher considerations he objected to it. He resisted certain provisions of the measure because he looked upon them as adverse to the reformed faith, which nothing, not even the destitution of its Clergy, would induce him to abandon. For the sake of that faith which he professed, and which was professed in Ireland—in that land in which they had been told there was a bloody brotherhood, and where the ascendancy of the law and its power were as flax, while the ascendancy and power of crime were as iron—for the sake of that distracted land, which had little to hope in the cause of order beyond what it might receive from the existence and prosperity of the Protestant Church, he would never consent to abandon the surplus revenues, as they were called, to any but Ecclesiastical purposes. He would leave the Protestants still power to worship, in its purity, the God of their Fathers. They had been told that the ministers of the Protestant Church were poor and few, and that eleemosynary Clause had been lauded which gave to the clergymen the sum of 5*l.* per annum. They might be poor, and that Church might be sapped and undermined, but he thanked God their Lordships were in the breach to defend it, and repel the assailants. Before the 800 parishes were swept away, a cry would ascend to heaven, and be heard by the people of England, which would prevent the measure before the House, should it pass in its present state, from being carried into execution. If in this year 800 parishes might be suppressed, because they had sunk below a certain arbitrary limit, why, in the year 1841, might not 200 more be sacrificed, because they had sunk in population below the parson's point? The argument against the sequestration of Church-property, and against the absurd notion of a surplus, had been so ably urged by a right hon. Member, in the other House, whose discretion, judgment and learning demanded all his praise, that he would not attempt to weaken the effect of his advocacy by dwelling upon that topic. He apologized to their Lordships for having trespassed so much upon their time. He knew how little he was entitled to the indulgence he had received; yet, before he sat down, he would ask leave to say a word or two upon the subject of that class for whose benefit it was pretended this Bill originated, although the subsequent Clauses of the Bill were well calculated to inflict the greatest injury upon them. He alluded to the parochial Clergy of Ireland, than whom, he firmly believed, there was not a more meritorious or exemplary set of men in existence. The Act establishing unions of parishes in Ireland was the first act of robbery committed upon the parochial Clergy. Then followed that resolution of the Irish Parliament, which declared every man an enemy to his country who should pay the tithe of agistment. He had read an account in the letters of Lord Strafford, the Minister of Charles the 1st, of the method that Nobleman adopted to revenge himself on a clergyman who had provoked his displeasure. He advised the King to appoint him to the vacant Bishopric of Clogher, for, said he, nothing is paid in the diocese to the Bishop. He presumed it was from some similar feeling that a pretended provision was made for the Irish Clergy. The Irish Clergy were a devoted, suffering, and high-minded class of men, and he hoped no measure would ever pass that House to deprive them of their insufficient emoluments. The state of the poor, he believed, had been improved by their efforts more than was generally known. There were other points in the Bill, of which, perhaps, it would be necessary for him to advert in Committee. At present, he should merely content himself with observing, that he should certainly urge a change of that provision or regulation according to which the land-tax for the benefit of the Clergy was, in the first instance, to pass through one of the Government departments—that of the Woods and Forests. Now, with all the respect which he entertained for the noble Lord at the head of that department, he must be permitted to say, that, in his opinion, it would be much better if the Clergy of the Established Church were not to be made mere stipendiaries of the

Government, but rather derived their income through the hands of Ecclesiastical Commissioners. The noble Lord concluded by expressing a hope that the House would give the Bill a second reading, and proceed in Committee to make such changes in the measure as would render it not unacceptable to the great body of the Protestants of the empire—as would supply means to avert those evil and dangerous consequences which would inevitably result from the Bill if it became law in the shape in which it was introduced by the noble Viscount.

The Marquess of *Clanricarde* felt renewed regret, looking at the character of the present discussion, that their Lordships had last year rejected the measure sent up to them for the settlement of this question. If that measure had not been thrown out, they might now have discussed, with much greater advantage, the question of appropriation. It was objected by those who were opposed to this measure, that the State had no right to direct the appropriation of ecclesiastical revenues, under any circumstances. Now, he would ask, what ought to become of the funds of a parish in which there was neither a Protestant clergyman nor a Protestant inhabitant? To whom, legally, according to the principles either of common law or equity, ought the funds in that case to revert? Clearly, he contended, to the State, which was the representative of the whole people for such a purpose. There was a particular Act in the statute law of the country, regulating the appropriation of funds bequeathed by donors, where the original purposes for which the funds were destined were impracticable, or incompatible with the customs or observances of the times. The statute in question directed, that in such cases the appropriation should be to such purposes, as it could be fairly supposed, the donor would have devoted his bequest, if then living. Here then was a solemn recognition of the principle of diverting from their original destination, funds invested with the most sacred rights of property. But the noble Lord who had just sat down insisted that the AppropriationClause was a violation of the Act of Union. Mr. Pitt had not so interpreted the Act of Union; for he had expressly declared, in the House of Commons, that it was not necessary to make any provision for the Established Church. But it was absurd to contend, that the Legislature of the United Empire had not equal power with the Legislature of a country it had incorporated with itself. Still, the great argument, the stumbling block was, that the revenues of the Church could not be interfered with by Parliament—that they could not deal with Church-property. When they regulated the stipends of curates making it imperative upon the rector, to give his curates a certain income at least, was not that dealing with the property of the Church by the compulsory power of Parliament. In another place, it had been contended, that even if there remained but one Protestant in Ireland, the Protestant Church Establishment must be kept up. A more absurd doctrine was never, he believed, broached in any assembly of rational men. Such were the arguments in opposition to the provisions of the measure before their Lordships' House. His noble Friend opposite asked, whether the Protestant Establishment was at present virtually or substantially maintained in Ireland? Had they, in fact, the power to maintain it? His noble Friend must admit, that the law in Ireland was not strong enough to sustain that Church in all its present immunities. But the suppression of 870 parishes in Ireland was held to be tantamount to putting an end to the Establishment. The better way of putting the question was, to ask whether sequestrating the revenues of so many parishes could have the effect of putting down the Reformed religion? When the State suppressed all the monasteries, benefices, and religious institutions of the Catholics, did that religion fall away? On the contrary, it had acquired strength. If the Protestant religion had not been forced upon the people of Ireland, it would have been the almost universal religion of Ireland. The doctrine that the appropriation of property could never be altered was a doctrine in favour of abuses. Upon the manner and temper of their going into Committee would depend the interests of the Establishment itself, and perhaps the interests of their Lordships' House. If the Bill should be rejected, serious consequences would, he feared, ensue. It was notorious in what temper the people and their representatives were upon this subject. Their sentiments were not of hasty growth. After a general election, of which he would say no more than that it had taken place under circumstances highly favourable to the opponents of this measure, it would be weak and mischievous to attempt to coerce the other House out of their settled opinion. He hoped their Lordships would go into the Committee really and sincerely with a view to pass the Bill. If they went into the Committee with intentions hostile to the measure, and to avoid expressing opinions not tenable in these days, he warned them that their object of concealment would not be attained. The people would well know their real sentiments. If they went into the Committee merely to seek a safer opportunity to mutilate and destroy the Bill, they would endanger the Church first, and afterwards every institution in the country, not omitting even their Lordships' House.

The Earl of *Ripon* did not think the House was fairly dealt by in being called upon to pass in one Bill two principles entirely dissimilar. Part of the Bill it was incumbent on their Lordships to pass; but the revenues of the Church, and the tranquillity of Ireland were not necessarily connected. The provision for the clergy might insure tranquillity, but the plan of appropriation would prevent it. Two resolutions had been agreed to on the subject in the Lower House of Parliament. The first, in fact, declared a surplus, adopting the fact without the knowledge of any human being to support it, so that the existence of a surplus might be alleged, at the same time, a deficiency might be established. The second Resolution declared, that no measure of relief for the Irish clergy could be beneficially acted upon unless it embodied the principle of appropriation. Negatively that principle led to the extinction of the Irish Church. It was most extraordinary, to pass a Bill upon the ground that it will give satisfaction in Ireland, when the necessary consequence of it must dissatisfy the whole body of the Protestant population. Not having been able, from anything he had read or heard upon this subject, to discover what the real motives for this measure were, he listened with the greatest attention to his noble Friend at the head of the Government, in the hope that he would throw some light on the Cimmerian darkness with which it was hitherto surrounded. The speech of his noble Friend abounded in eloquent passages, in bursts of passion, in elucidations from ancient and modern history, but he looked in vain for any elucidation of the principles on which the Bill proceeded. His noble Friend stated no reasons for cutting off from the Established Church of Ireland at least the one-third. It was not impossible to conceive some severe necessity that might at least palliate this ecclesiastical revolution. A revolution he must call it, because it completely altered the relation between the Church of Ireland and the State. But his noble Friend did not attempt to show any such necessity. The Bill, if not an actual breach of the Union, touched very closely upon it. If there was any one thing for which the Act of Union provided with more jealousy and caution than another, it was to give as complete security to the Church of Ireland as to that of England. This Bill did, *pro tanto*, dissolve the Union. It was not upon the Act of Union alone, it trenched, but upon other Acts since passed, and one in particular, the Church Temporalities' Act. The present measure, as regarded that Bill, he held to be nothing more or less than a breach of Parliamentary faith. The Church Temporalities' Act pledged the House to certain acts and principles which, if the present measure became law, it would be utterly impossible to fulfil. By the Church Temporalities' Act no Bishopricks were suppressed, as stated by his noble Friend who spoke last. Bishopricks were united but not suppressed, and such was the practice in Roman Catholic as well as in Protestant times. That Act directed, that the revenue of these Bishopricks and of other ecclesiastical livings, as they became vacant, should go to the formation of a fund; first, for the payment of Church-cess, in order to relieve the Roman Catholics from that payment, and afterwards for the increase of small livings, the building of churches and of glebe-houses, and for all other objects essential to the efficiency, the security, and the stability of the Protestant Church of Ireland. Pass this Bill, and they would violate every one of these provisions. This was a most dangerous course of legislation, and he sincerely regretted to see such a principle acted upon by men whom he respected. Two years ago, the Church Temporalities' Act, was granted to the Church of Ireland, and within that short period Ministers went to Parliament and said, "We will take away those very revenues by which it was proposed to provide for all these important objects." Commissioners were appointed to manage the Perpetuity

Fund, and to apply it to the purposes mentioned in the Church Temporalities' Act. The fund was estimated at 40,000*l.* a-year. What was it now? Nothing. The whole produce was gone. The Commissioners were bankrupt. This Bill charged upon the Perpetuity Fund the 5*l.* per cent. to be paid by the clergy; but it took away from them all the benefits that might arise from the suppressed benefices. This was dangerous, because it was faithless, legislation. How was it possible, that after this the people could have confidence in them? He could prove, that this Bill was a mass of contradiction from beginning to end, and of the most gross inconsistencies. It talked of giving peace to Ireland, and how? By applying to the use of the people certain monies which it was supposed would so much delight them that no further disturbance could ever after arise; that all would be content and satisfaction. The Bill, however, did not give all. It gave but a part. It provided for the maintenance of a clergyman in every parish, with power to the Lord-lieutenant to increase the salary, with the increase of duty. Must not the people in these parishes naturally feel a hankering to get for their own uses the sums that have been retained; and would they not make an effort to bring those parishes into a situation which would give them a title to it? So far from producing peace, it would be the source of perpetual, and endless, and ruinous division, and render it utterly hopeless to effect by legislation any amelioration of the condition of the people of Ireland. The whole argument of his noble Friend at the head of the Government, and of his noble Friend who spoke last, was limited to the matter of tithe. He did not admit that they had a right to dispose of tithe in this way. It was very naturally painful to Roman Catholics to pay it, and no person was more friendly than he was to such an alteration of the system as might render it as little irksome and burthensome as possible. But the Bill did not apply merely to tithe, which might be considered the substantial pinching grievance affecting those who did not belong to the Protestant Church; the glebe-houses, which by no possibility could be a subject of discontent, and constituting with the glebe lands the only remaining link between the Church and the state, were also to be destroyed. That link was to be dissevered for no reason on earth; and yet they were told to look upon this Bill on large principles, while it involved the absolute overthrow of every principle on which a Church Establishment could be maintained. After all, what was to be gained by it? According to the Bill it was pretended, in what precise manner did not appear, that they would get 50,000*l.* a-year. One might have supposed that they would have gained enough to pay off the national debt; but in the meanwhile the consolidated fund was to be charged with 50,000*l.* in order, it was said, to "avoid dangerous impatience," which was afterwards to be paid by all that could be screwed out of the suppressed livings. If they wanted 50,000*l.* for education, why not vote it at once? He so entirely approved of the system of education in Ireland, that he for one would most willingly consent to any sum which might be necessary for that purpose; but why, in connexion with such a subject, rouse up and bring into collision the strongest and most dangerous feelings of human nature? Besides, when he coupled the amount of this sum with a representation recently made by the Commissioners in their certainly very magnificent scheme of education, which would require 200,000*l.* a-year, he could not help thinking, that in the course of five years, the present 860 parishes would, at least, be doubled for the purposes of confiscation. Let them vote 50,000*l.* or any other sum for education, the House of Commons would, he had no doubt, be ready to grant it; but why reduce the Protestant establishment and those unfortunate individuals who officiated at its altars to misery and want? The Church of Ireland was spoken of as the most richly-endowed of any in Europe, abounding in wealth, pampered and bloated, and some compared it to Juggernaut, crushing thousands of victims beneath its wheels. It was not even now a rich Church; but let this sum be deducted, and the Protestant clergy would be reduced, to utter destitution. The pittance for a clergyman would be so small that no man, with any pretensions to respectability or education, would accept of it. The clergy from their poverty would lose all power of being useful, and, from an active, zealous, and respected body of men, would fall into contempt and utter inefficiency. He felt the difficulties of the present question as much as any of their Lordships, but he could not adopt a measure to which in principle, he felt an insuperable objection, and which must lead to the most dangerous consequences. In his humble judgment, if the object were simply to provide for education, and to relieve the people of Ireland, not belonging to the Church, from the inconvenience and hardship of paying tithes to the Protestant clergy, a plan might without difficulty be devised by which all that could be attained without violating any principle, or containing in it that germ of eternal dissension which, if this Bill passed, would produce such fearful results to the Protestant interests both in Ireland and in this country.

The Bishop of *Exeter* merely rose to state, that while he would not vote against the second reading, he felt it his duty to protest against the main part of the principles announced in the preamble, and that he would rather forfeit his life than be in any degree a party to the greatest injustice, and he would add the grossest impiety, which that House or the country had ever been called upon to perpetrate. Their Lordships were certainly indebted to the noble Viscount who had opened this question, for the frankness with which he had told them the situation in which they were placed. He had told them that they were in the hands of a Government which had cast off all regard to principle [“ *Oh, oh!*”]. He repeated it, for a Government that brought forward measures, which at the same time it avowed to be indefensible in principle, must be said to have abandoned all regard to principle. While he said this, however, he did not mean to assert that the Government were at this instant ready to strike down every thing that the country was accustomed to hold in respect; but they announced that they had started upon a course from which nothing would deter them—in which nothing could stop them. They declared that they would proceed on their own official convenience to destroy every thing which this country had ever honoured, or for which it had ever been honoured by others. He had no hope that his voice would have any effect at this alarming juncture. What he said was ridiculous to some; but unless the course which the noble Viscount proclaimed were stopped, either by that or the other House of Parliament, or by the good sense of the people of England, no man would have occasion to smile who honoured any thing that was sacred, and anything that was good. They were told to-night that they must be prepared to make every sacrifice —that the career which was now begun must be pursued, and that it would not cease to be followed up until all was sacrificed, if the convenience of the Government required it. He would not now go further, but he begged to give notice, that when the Bill should go into Committee, he would move that the 61st Clause, and all the clauses consequent upon it, up to the 91st inclusive, should be struck out.

The Earl of *Winchilsea* did not mean to oppose the second reading of the Bill. He trusted, however, that before the question was decided, their Lordships, in this stage of the proceedings, would permit him to make a few observations. He was quite overpowered by the importance of the measure. The abolition of the Test and Corporation Oaths, the Emancipation Bill, and even the Reform Bill itself, all of which he had opposed—which had thrown down all those barriers which had been so wisely erected in defence of the Protestant religion, and which had destroyed the balance of our constitution, and infused into it a spirit of democracy dangerous in the highest degree, all those measures, however, sunk into insignificance when compared with that before the House, the whole tendency of which was at once to destroy the very existence of the Protestant religion in Ireland. The question at issue was simply whether they should have an established religion or not in that country? If this measure were to pass, the Protestant religion in Ireland would at once be surrendered to its enemies. He should not oppose the second reading of the Bill; but he could boldly say, that he felt confident that the Protestants of the two countries would do what was right, and would sacrifice everything even to property and life, in defence of that religion which had been handed down to them by their forefathers, and which had been the source of all our national greatness and prosperity.

Lord *Glenelg* could not permit (if he might use the word) their Lordships to separate without saying one word in allusion to what had fallen from the right reverend Prelates who had addressed them. It was certainly with him a matter of astonishment, that these right reverend Prelates who should be the first to set the example of moderation, temperance and charity—to temper any severity of feeling, and to mitigate the acrimony of debate—should have so warmly entered the arena of personal warfare, which was attended with no other consequence than to disgrace those who engaged in it, and to engender feelings of exasperation and ill-will. In answer to the warning which had been delivered in an oracular voice by one right reverend Prelate to their Majesty's Ministers in that House, he should only say, that as long as they were conscious of being actuated by no other feeling than a sense of public duty, and pursue a course which was directed by their notions of right and wrong, such expressions as those which had been used by the right reverend Prelate, would neither induce them to abandon their duty, nor lead them into an imitation of the same description of language. The noble Lord expressed his conviction that the wants of the Protestants in remote and secluded parishes, so far from being (as was contended) neglected under the provisions of this Bill, would be more adequately answered than they had ever hitherto been.

Lord *Roden* consented to the second reading of the Bill, on the ground that it was necessary to make some provision for the clergy. To the principle of the Bill, however, he entertained the strongest objection.

Lord *Cloncurry* observed, that a vain attempt had been made to force on the people of Ireland a Protestant Establishment, which was proved to have anything but the effect of increasing the converts to the Protestant religion. When that preferment was first made, the Roman Catholics were in number no more than a million. They were now seven millions, and the whole number of the Protestants (including Protestant Dissenters) amounted only to a million and a half. There were 700,000 acres of land which were taken from the Catholics and given to the Protestants for the support of the Established Church. The Roman Catholics did not require that these lands should be restored to them, but they only claimed relief from a half million of tithes which were levied in the most vexatious manner possible.

Viscount *Melbourne* replied, notwithstanding the observation which he had made—that the religion of a country was generally found to be in accordance with the religious opinions of the majority of its inhabitants—was declared to be unworthy of a Protestant Minister, he found it impossible to retract it. He had never said that the religion of the world was to be decided by the majority of the world, as he appeared to be understood; but that the religion of every country should be decided by the majority of those who professed the same faith in that country was certainly the most convenient and natural rule, and one which he believed was generally followed, except in the case of that country now under consideration—Ireland. With respect to the imputations which had been dealt out by a right reverend Prelate, he should say no more respecting them than that they were altogether unjust and unfounded.

The Bill was read a second time.

HOUSE OF COMMONS,

Thursday, August 20, 1835.

MINUTES.] Bills. Read a second time:—Dominica Relief —Parochial Workhouses'; Dublin Police.—Read a third time:—Certiorari; Constabulary Force (Ireland); Cruelty to Animals'; Larceny (Ireland).—Read a first time:— Lectures' Publication.

THE THAMES TUNNEL.] Mr. *Walter* said, that pursuant to the notice he had given, he would now rise to move as an Amendment on the first Order of the Day, the appointment of a Select Committee to inquire into the advance of public money which had been made to the Thames Tunnel Company. At nearly the close of such a long and wearisome Session, he was aware how difficult it must be to get the House to attend to fresh matter. As, however, he had no other object in view than to save the money of the public, which was the paramount duty of that House—as he was not himself to blame for the delay —and as the subject, moreover, was not one of very great difficulty, he hoped the House would afford him its attention during the short statement that he had to make to it. Having brought this transaction already under the consideration of the House, and having upon that occasion detailed at some length the grounds upon which he should move for this inquiry, it would not be necessary for him to go into those details again, and he could, therefore, save the time of the House. On the former occasion he had moved, in addition to the Treasury minute which had been laid on the Table, for copies of the Reports of professional men, if any such had been made, before the money had been granted, respecting the existing state of the Tunnel, the estimated expense of completing the same, and the probability as to the future re-payment of the money advanced. It appeared from the production of only this single document, that previous to the granting of the money there had been no Reports received from professional men as to the existing state of the Tunnel; that no estimate had been made out as to the expense of completing it; and that no security had been given for the future repayment. On the contrary, it appeared that on the present occasion the public money had been advanced without any of those guarantees and securities usually deemed necessary in all such cases where Parliament or the Government advanced a loan out of the public purse of the nation. The hon. Gentleman, the Member for Lambeth, who on a former occasion announced himself as one of the Directors of this Company, had then stated, that he (Mr. Walter) was altogether in error if he supposed that the sum required by the Company had been advanced by the Commissioners under any individual Act of Parliament framed for that purpose. In fact, that hon. Member then asserted, that such a statement was altogether without foundation, and that the Commissioners who had advanced this money, had so advanced it under the ordinary powers vested in them. Now, if Gentlemen would only look at the document laid on the Table, they would see in passage after passage, that reference was made to the 3rd and 4th William 4th, cap. 121—which was the private Act of the Thames Tunnel Company—as the express and sole authority for the advance of this money; and had it not been for that Act, it was not too much to say, that the Commissioners would have refused the advance of this money (for it did so happen that they had already twice previously refused to advance it);i t could be nothing but the force of this Act of Parliament applied to them that could induce them to alter their minds and make the advance in question. The hon. Gentleman, the Member for Lambeth, on the former occasion when the subject was under discussion, stated, that he (Mr. Walter) might have obtained all the information he required by applying to him. Now, he (Mr. Walter) in bringing forward the subject, had not preferred any charge against that hon. Gentleman, or against any other individual. If, however, he had applied to him, or to any one connected with the Company in the first instance, it might then be said, that he had availed himself of private information to which he should not have had recourse. He had determined, therefore, entertaining, as he did, a strong conviction of the impropriety of this grant, upon seeking the means of investigation through no other but public sources. From such sources all the information he possessed on the subject was derived; and he might now be permitted briefly to advert to the circumstances connected with the progress of this Thames Tunnel Act through the House. He trusted that in doing so he should not be considered as transgressing the bounds of that propriety and personal respect due from one Member to another; but he must say, that it did appear to him very singular to find one Director of this Company, on the 1st of April, 1833, moving the second reading of this Bill, which authorized the advance of 270,000*l.* to the Company, and another Director of the same Company on the same occasion presenting a petition to Parliament praying for aid to the said Company—a petition which was rejected on the ground of being a money petition, and not having received the sanction of the Crown. The right hon. Gentleman (the Chancellor of the Exchequer) had also upon the former occasion defied him to prove that there had been any irregularity in this proceeding. Now, he begged leave to say, that it was one of the Standing Orders of that House, under the head of "Applications" for public money, that the House would not proceed with any Motion, Bill, or grant for any sum of money arising from the Crown, but in a Committee of the whole House. He would ask, if that form had been complied with in the instance of this Bill? He would ask, whether the House had been apprized at the time by the then Chancellor of the Exchequer, of this transaction? He was convinced that not a dozen Members knew of it at the time; and he was further convinced, that if the general body of the Members of that House had been apprised of it, they would have been sure to reject such a grant, as former Boards of Treasury had done. He had no intention to cast any imputation upon the noble individual who had formerly filled the office of Finance Minister, but he would nevertheless say, that public business must not be conducted upon the ground of personal confidence, and that names, however respectable, should not be placed in the room of that investigation and inquiry which the public interests in cases of this kind imperatively demanded. It was evident from the absence of those other documents, for which he had moved, and which should always accompany a transaction of this kind, that the money had been advanced in the most naked and unguarded manner. The right hon. Gentleman opposite, in the former discussion, had talked of this work as one of national importance, and one which would be productive of great national utility when completed. The right hon. Gentleman, too, as well as he remembered, had spoken of the work as one of a stupendous nature. He, however, would say, upon the authority of competent judges, that it was a work of stupendous folly—a work which he did not believe any one would undertake to complete, if all that was already done were given him. Of this he was sure, that a score of floating bridges might be established on the Thames for the money which this project would ultimately cost. He had not moved for a mass of papers which he might have moved for, because their production would be expensive, and he thought that the papers already laid before the House sufficiently entitled him to have a Select Committee appointed to inquire into the transaction. It would there be seen that the Commissioners for the issue of Exchequer-bills, had departed from their usual course of proceeding under the stringent authority of this Act of Parliament—that this Act was obtained in an informal manner—that the public money so advanced would lead to no useful result, and that there was no security whatever for its repayment. As he would not be entitled to a reply, he would now meet one or two objections which might be started to his Motion. The right hon. Gentleman opposite had stated, that he would take care, before any further sum of money was advanced, to use proper caution and inquiry. No doubt the right hon. Gentleman would do so, and the effect of such investigation on his part would probably be to prevent the issue of any more money for this purpose; but that would not be sufficient. The right hon. Gentleman's care should extend further; he should endeavour to get back a portion of the public money which was already granted, and which might be justly said to be placed at present in a dangerous situation. If the Directors were men of strict integrity, seeing the inutility of the project, they would be anxious to return any portion of the public grant that had not been already consumed. As to any parallel cases, he was sure there were none similar to this. The Commissioners might, in a few cases, have advanced money on security of works, but never till their own surveyor had examined into the validity of the security. The Act of Parliament, which he might say was smuggled through the House, had been their guide, and had enforced their submission in the present instance, for no inquiry had been made. If this Committee should be refused, the country would then see whether there was any difference between the present and other Administrations, in which the broad shield of Ministerial influence was cast over the supporters of Ministers, simply for this reason, and for this reason only—because they were the supporters of Ministers. He could assert, with some knowledge of public transactions during the last thirty years, that there never was a case more entitled to investigation, or one in which the refusal of inquiry would be more reprehensible. He trusted the House would grant this Committee, the labours of which would not be burthensome, and would not extend beyond a few days, in order to enable them to make their Report. The hon. Gentleman concluded by moving, "That a Select Committee be appointed to inquire into the circumstances attending the introduction of a Bill, entitled 'An Act to amend the Acts relating to the Thames Tunnel Company,' passed in the 3rd and 4th of his present Majesty's reign; and to inquire further respecting the advance of 30,000*l.* by the Commissioners for issuing Exchequer-bills in aid of Public Works, under the provisions of the said Act, with a view to prevent the advance of public money without full and adequate security for the repayment of the same."

Mr. *Francis Baring* said, that no one could be more anxious than he was that the whole transaction referred to by the hon. Member should be investigated from the beginning to the end, and he would say, on the part of his noble Friend, over whom the hon. Gentleman seemed to suspect that the Government would throw "the broad shield of protection," but whose character needed no such defence, that nothing could possibly give more satisfaction to his noble Friend than an investigation of the whole subject. Before, however, the House should agree to the hon. Member's Motion for a Committee, let it for a moment examine the case which the hon. Member had endeavoured to make out. Now, what was this very grave case, as the hon. Member brought it forward? The hon. Gentleman said, that it was a standing rule of the House that no grant of public money should be made, except in a Committee of the whole House, and then he asked whether a great irregularity had not therefore been committed in passing this Act. Now, if the hon. Member had looked at the Act narrowly, he would have seen that it did not come under the Standing Rules of that House; indeed, there was scarcely a Private Bill that passed that House that did not take similar powers to obtain a loan of Exchequer-bills, and it was scarcely necessary to add, that such Bills were never committed to a Committee of the whole House. This very Session a Private Bill, containing a clause similar to that in the Bill in question, had passed that House, and it was only because the Treasury objected to it, that it was thrown out in another place. There were many instances in which similar powers were taken by Private Bills, and nobody, except the hon. Gentleman, would ever imagine that it was a grant of public money. He must ask, whether the hon. Member seriously supposed that a Committee would be appointed to inquire into the circumstances connected with the passing of an Act through the House of Commons. Such a thing had never been heard of before; unless, therefore, the hon. Member should make out some case, some appearance of a job, something having a *primâ facie* case to support it, he could not conceive how he was entitled to the appointment of a Committee to inquire into the passing of an Act of Parliament. The hon. Gentleman stated that there were no official documents furnished, and he (Mr. Baring) would grant that statement was true. But the Treasury minute stated that Lord Althorp had taken upon himself the whole responsibility; his noble Friend had been extremely interested in the advancement of this great public work, which he justly regarded as one of national importance; he had inquired minutely into all the circumstances connected with it, and having done so, he took upon him the responsibility to advise the grant. The same thing was frequently done in similar cases by those who filled the office of Chancellor of the Exchequer. The Treasury found that in the Bill a discretionary power was vested in them as to making the advance by the loan of Exchequer-bills. The course followed in that instance by the House was the usual course followed in such cases, namely, to leave it to the discretion of the Treasury when and in what manner the advance should be made. In the year this Act was passed, an advance was refused, as the Treasury did not feel they had sufficient funds at their disposal to meet it. In the next year, however, a million was voted for public works, and out of that sum the Treasury thought it right to make this advance; and though this was a case in which what might be deemed sufficient mercantile security could not be given to the public, though it was one in which the repayment of the money could not be made perfectly safe, yet when it was considered what an interest was attached to the progress of this great public work, when they referred to the universal interest it had created on the Continent, when it was recollected that scarcely a foreigner visited our shores who did not go to see this magnificent work, he was sure it would be admitted that the Treasury had a fair right, and were perfectly justified in advancing this money. As to the charge of carelessness advanced by the hon. Member, he must say that this power had been exercised with great care and caution by the Treasury. A minute had been drawn up by him (Mr. Baring), under the direction of Lord Althorp, affording the greatest security that could, under the circumstances, be afforded to the public against loss. That minute was now on the Table of the House, and any hon. Member, by referring to it, would see that it was a most cautious one. He was sure that a reference to it would prove that the discretionary power exercised by the Treasury in this instance, in advancing a portion of the money voted for public works for a work of this magnitude and importance, had been exercised with the greatest possible caution, and that the Government of the day was not chargeable with carelessness or neglect on that point. To be sure, the hon. Gentleman had been good enough to say that he did not impute improper motives to the noble Lord (Lord Spencer). It was a great stretch of generosity on the part of the hon. Gentleman, and he (Mr. Baring) was much obliged to him for declaring that his noble Friend had not been guilty of a job. Again he thanked the hon. Gentleman for his kindness; but he was sure of this, that no one who knew his noble Friend would do him the injustice to take the slightest notice of the no-insinuations of the hon. Gentleman.

Mr. *Hawes* must beg to recall the attention of the House to the charges which the hon. Gentleman had made in the former discussion on this subject, and he would demand of him, in the face of the House and the country, to justify those charges now. He quoted from the hon. Gentleman's speech, as given in *The Times* newspaper:—"The money which had been advanced, and which he had no doubt was lost, was not of so much consequence as the deviation from the established law of Parliament. He believed it to be the rule of the House that money should not be granted without the leave of the House; and this Bill, authorizing the payment of 270,000*l.*, had been got through totally without the knowledge of the House, under the disguise of a private Bill." The hon. Gentleman had not said one word on that subject to-day. To be sure, he had talked of smuggling an Act through the House; but he did not state it as a fact. It would be rather curious indeed to find him state any grounds for such an imputation, for such it would be upon the House. He (Mr. Hawes) was as ready to have any part of his conduct canvassed as the hon. Member for Berkshire could be. But how did the facts really stand with regard to the passing of this Bill? The Thames Tunnel Bill was read a first time on the 1st of April, 1833, it was read a second time on the 4th of May, it was committed on the 17th of May, it was reported on the 9th of July, and it was read a third time on the 8th of August. Surely that was a considerable time for a Bill to take passing through the House. But the hon. Gentleman seemed surprised that on the day it was read a second time, a petition should have been presented in its favour. Why, there was nothing more common; indeed, that was the most appropriate time for the presentation of such a petition. It was, he believed, presented by his gallant Friend the Member for Devonport, and it came from the inhabitants in the neighbourhood of the tunnel, who felt anxious for its completion. The petition was withdrawn on a point of form. But as to the Bill, was it a Bill authorising the advance of 270,000*l.*? He (Mr. Hawes) would deny that it was any such thing. It was merely a Bill giving the Lords of the Treasury power, if they thought fit, out of the money that had been voted for public works, to give an advance in aid of this work. How stood the fact? At the period that the Bill passed, the Commissioners had not 30,000*l.* in their hands; but in the next year a million was voted for public works, and the advance was then made. Let not the hon. Gentleman imagine that this was done without precedent; an Act of Parliament was passed on the 7th of June, 1824, to amend former Acts respecting the issuing of Exchequer-bills for public works, and it authorised the Lords of the Treasury, if they thought fit, to advance sums of money for that purpose on security. That was the precedent for this Bill: it was the 5th of George 4, c. 71. Now, here at once was a precedent for this Bill. [The *Chancellor of the Exchequer*: There were ten or twelve such Acts.] He would then ask the hon. Member to make good his assertion, that this Bill had been smuggled through the House. He would ask him to state any one single act that justified such a charge. The hon. Gentleman was extremely cautious in attacking individuals, and yet very ready to deal in general imputations. When the hon. Member had said that the Bill was smuggled through the House, he had called on the hon. Member to say who it was that had so smuggled it. He challenged him, in the face of the House and the country, to make good a single charge he had brought forward. Now as to the character of the work for which the money was advanced. The work, the hon. Gentleman was pleased to say, might be considered by some a national work, but he was disposed to look upon it as one of "stupendous folly." Now, he (Mr. Hawes) held in his hand an extract from a journal, which he could not say was at present any authority with that House or with the hon. Member for Berkshire, but which was a journal of large circulation, and which, therefore, when it directed attention towards a work as one of a national character and importance, must be taken as some evidence of the public opinion on the point. He repeated, he did not know whether the journal in question was any authority with the hon. Member, or with the House; it was certainly none with him (Mr. Hawes). The journal to which he was referring was *The Times*, and he would just call the attention of the House to a leading article in the *The Times* of July 4, 1828. It was in the following terms;—" A meeting, at which the Duke of Wellington is to be present, takes place to-morrow, in support of the Thames Tunnel enterprise. After stating this fact, and soliciting the attention of the public to it, it would be unjustifiable, and even absurd in us to represent the enterprise as one which, under the most favourable circumstances, is likely to yield a beneficial return of interest for the capital employed, at least for a very long time to come. But at the same time it must be considered as a noble undertaking; and so much the more noble will it prove, should it be concluded, as it is found to be environed and impeded by unforeseen difficulties and accidents. Whoever contemplates the project in this light, will feel it to be his duty to lend it support, and to press its progress from higher motives than those of personal interest—from a desire to do honour to his country and the age in which he lives. We cannot deceive any one, if we would, as to the pecuniary prospects of the undertaking; but we would not withhold the incitement of a more generous principle of action." Now, here surely was strong evidence to prove the fact that the public mind was generally possessed with a favourable feeling as to the national character of the work, and the importance of completing it. He had said enough about the Bill. This article, it would be observed, appeared when the Duke of Wellington was in office; an application was at the time made by the Company to the Government for a loan, and a long investigation took place before the then Chancellor of the Exchequer (Mr. Goulburn) as to the security. Lord Althorp was called in both by the proprietors and by the Duke of Wellington to state the result of his inquiries. His Lordship made a report, in which he stated that the lowest income that might be expected from the tunnel would be 15,000*l.* a-year. He would now read the answer of Mr. Goulburn. The hon. Gentleman read the answer, which was to the effect that the report had been considered by himself and the Duke of Wellington, that they had no reasonable doubt of the security, but that, owing to the heaviness of existing engagements, it was not intended to place in the hands of the Commissioners any further sums of money that year for advances in aid of public works. Now, here was the approval of the security on the part of Mr. Goulburn. He would now read a letter on the subject from the Duke of Wellington, prefacing it with the remark, that the noble Duke had always taken a generous and lively interest in the success of the project. Indeed, it was one in which men of all parties took the greatest interest; for the deputation which went up to the Duke of Wellington on this occasion was headed by Lord Morpeth and Sir Robert Inglis. The hon. Gentleman here read the Duke of Wellington's letter, which was dated in 1829, and was to the effect, that he thought it better that the question should not be brought before Parliament that Session in the way of direct aid from the Treasury, but that he hoped the subject might be brought forward next Session, and he trusted their Lordships of the Treasury would approve of that course. Here, surely, was an approval on the part of the Duke of Wellington of the principle of advancing public money in aid of this work. As to the Treasury minute, he (Mr. Hawes) would, as a director, say, that it was extremely strict and severe. The hon. Gentleman had said the Exchequer Loan Commissioners had refused to grant the money. It was convenient for him to make this statement; but it was not the correct one. The answer of the Commissioners was, that as the work was of a nature that did not admit of any contract for its completion, or the giving the Board such security as they must require, they did not intend to advance any money without special legislation on the subject. It was obvious at once that it would be impossible to execute the work by contract, as the contracting parties could not give security for the preservation of the work already done. With regard to the sum already advanced by the Exchequer, namely 30,000*l.*, he held in his hand a detailed statement up to June, 1835, of the expenditure of that money. He did not feel it necessary to defend himself on this occasion, as the hon. Member had not thought proper to attack him by name at all. He would, however, say, in the face of the House and of the country, that the hon. Gentleman had made charges which he could not justify as he ought, and that he (Mr. Hawes) was therefore entitled to say, that he had brought forward a case totally unfounded, and entirely unworthy of the notice of Parliament.

Lord *Granville Somerset* said, he should like to know if it were the intention of Ministers to oppose the appointment of this Committee. For his part, he thought that it was a subject well deserving the attention of Parliament, especially when so large a sum of money was to be advanced under the authority of an Act of Parliament. He greatly doubted the expediency of advancing 246,000*l.* out of the public funds for carrying on a work of this nature. Certainly, where such a sum was advanced, there should be strong evidence as to the goodness of the security and the importance of the work in a national point of view. Now, he did not think that the hon. member for Lambeth had at all negatived the assertion of the hon. member for Berkshire, that this Act of Parliament was one authorizing the Treasury to advance money, nor had he proved that when the Act passed the Members of the House, generally speaking, were at all aware that gave so sweeping a power. He would not say that the Act had been smuggled, but they all knew how private Acts were passed, and he must say, that so large a sum as this should not have been voted without discussion. The hon. Member (the Secretary for the Treasury) stated, that this Bill contained only a clause similar to clauses contained in other private Bills that had been often previously passed. Now, as that hon. Gentleman had acknowledged that the Treasury had prevented a Bill with a similar clause from passing the Lords, the Treasury should, if it knew of the Clause in this Bill at the time of its passing, have stopped its progress. The hon. Member for Lambeth challenged inquiry as to the passing this Act, while the hon. Gentleman, the Secretary to the Treasury opposed any such inquiry. Now he, (Lord G. Somerset) cared little about the Act of Parliament, but he did care about the advance of so large a sum of money for this particular purpose without any chance of its being repaid. He did not think that it ever would be repaid. It was neither more nor less, therefore, than a grant of the public money completely and entirely given away. The hon. Gentleman had referred to the authority of the Duke of Wellington and Mr. Goulburn in 1829; but did they propose any Act for that purpose in 1830? As far as he recollected, the Duke of Wellington then took this course—he did not propose a grant of public money for the work, but he contributed a sum out of his private fortune towards it, on the principle that it was a national work, the funds for the completion of which should be supplied by private subscription. He (Lord G. Somerset) did not know on what grounds it was calculated that this 246,000*l.* would complete the work. The subject appeared to him one that suggested a fair inquiry. He was not for giving 246,000*l.* of the public money away for the completion of a work, the final completion of which was doubtful, and the national utility of which was equally problematical. It was not a work that connected a great tract of country. It certainly would connect two very populous portions of this great city, but that would not entitle it to be dignified with the character of a national work. If inquiry were refused now, at all events it should be granted next Session. He thought that no time should be lost in inquiring into such a transaction.

The *Chancellor of the Exchequer* had not addressed the House before, because he was quite willing to let the case stand upon the speeches of his hon. Friend the Secretary for the Treasury, and his hon. Friend the Member for Lambeth, who had stated the whole of the case, and had completely met the assertions of the hon. Member for Berkshire. On a former occasion he had objected to this inquiry on the ground that such an inquiry had never been asked before; but this he would say, that if the hon. Gentleman would bring any kind of charge against the department with which he was connected, so far from resisting such an inquiry, on a future occasion, he should be most anxious that the whole of the proceedings, *quoad* the Treasury, should be investigated. But as to the present motion, who had ever heard of an inquiry into the circumstances connected with the passing of a former Act of Parliament? Even if he were disposed to grant such an inquiry, it could not be granted except in an extreme case, and when they had all the facts before them.

Indeed, the House would have no right to institute such an inquiry, unless it was shown that the Bill in question had been improperly passed. No Gentleman could support such a motion, unless he believed there had been something wrong—something like smuggling of the Bill through the House. Now, there had not been the shadow of a case of that kind made out in the present instance. The hon. Gentleman indeed asserted that the forms of Parliament had been departed from. He did not then fill the office he now occupied, and therefore he did not need that gracious vindication of his character, which the hon. Gentleman had with such zeal and generosity extended to his noble Friend. The hon. Gentleman asserted that this Act should have been committed to a Committee of the whole House. Now, no money was actually voted by this Bill, and if the hon. Gentleman's doctrine was correct, not a single private Bill containing any clauses concerning a loan from the Exchequer Commissioners could be passed without going through a Committee of the whole House. But, great as was the knowledge which the hon. Gentleman seemed to think he possessed, he passed a most undeserved imputation upon the former House of Commons, and upon the former Speaker, when he made such a charge; the fact, however was, that the hon. Gentleman was not able to produce a single case to show that there had been, in this instance, a departure from the rules and orders of that House. In answer to his noble Friend who had spoken last, he would just quote a precedent under a former and of course a good Government, as his noble Friend was a member of it. He could quote twenty such precedents, but one was sufficient. He referred to the 10th of George 4th.—an Act which was passed for explaining and amending former Acts for the formation of the Ulster Canal. This Act was passed on the 1st of June, 1829, and it contained a Clause, empowering the Ulster Canal Company to take a loan of 120,000*l.* from the Commissioners of Exchequer-bills. Now, here was an Act precisely similar to the present, and he imputed not the slightest blame to the Government of the day when it was passed. There was no doubt that this was a most interesting national work. The Duke of Wellington had stated that it was such, and had expressed a hope at the time that the Government of which he was the head, might be enabled to bring it forward for consideration in the next Session. It was true that he had not done so, but his feelings with regard to the work, might be gathered from an Act passed during his Administration, the 9th of George 4th., chap. 63. It was an Act enabling the Tunnel Company to borrow sums of money for the completion of the work, and in the 22nd Clause the power was given to them of applying for a loan to the Commissioners of Exchequer-bills, and it gave the power, as it expressly stated, without reference to personal security. The Treasury had determined to advance the money, because they felt that this was a great national undertaking, which it would be a national disgrace to leave unfinished, and to a certain extent a reflection upon the country at large, that the individuals who had spent all their money in carrying this project to its present extent should be left to lose every thing without any effort being made on the part of the public to finish the work. Again, he would assert that there had been nothing unusual in the course taken—that it was warranted by precedents of various kinds of adverse Governments, and that the Treasury was fully and entirely justified in what it had done. He was ready to admit, however, that they were bound to proceed with the greatest caution—that they were bound to see every 6*d.* advanced properly expended, and to examine the results as they went along, in order that if a reasonable doubt should arise that the sum in question would be sufficient to complete the undertaking, they should, in discharge of their duty to the public, stop any further advances for that purpose. He could assure the hon. Member, that not an additional 6*d.* would be issued without a full examination of the expenditure. He pledged himself to that course during the recess, and then when the House met in February it would be for the House to determine whether he had advanced any money without sufficient grounds. If the hon. Gentleman should think so, then let him move for a Committee of Inquiry, and he (the Chancellor of the Exchequer) would be ready to second his Motion. One of the propositions of the hon. Gentleman was, that he (the Chancellor of the Exchequer) should endeavour to get back the portion of the money already advanced—advanced, it should be recollected, upon the faith of an act of Parliament. Now, he (the Chancellor of the Exchequer) would not commit such a breach of faith, even though it might earn from the hon. Gentleman that same generous consideration for his character which the hon. Gentleman had been kind enough to bestow on that of his noble Friend (Earl Spencer.) The noble Lord opposite said, that no further money should be advanced without due inquiry. He again pledged himself to that course. Then let the hon. Gentleman move for a Committee of Inquiry into his conduct next Session, and, he repeated, he would himself second the Motion. He had stated his objections to this Motion. It afforded, indeed, a singular instance of the happy effects of the investigations of some hon. Gentlemen who concerned themselves in Parliamentary proceedings, and the results of whose most important and most distinguished labours generally declared themselves in the discovery of some extraordinary mare's nest. The hon. Member for Berkshire was most renowned in that species of discovery. He had found out certainly, in the present instance, a very extraordinary mare's nest, and he wished the hon. Member joy of his discovery.

Mr. *Sheppard* said, that he had seconded the Motion upon the principle of economy, and because he thought the public should be fully satisfied on such a subject. After, however, the Motion had been met so handsomely and so fairly by the Members of the Government, he would not say another word, unless to express his wish for the success of the undertaking for which the money was to be advanced.

Sir *Edward Codrington* said, the work was one of national importance. It was so viewed by the Duke of Wellington, who had stated, that if finished, it would be of great military utility. He maintained, that the money was only lent, and that it was lent upon good security. As a Director, he would say, that no persons were more anxious for the fullest investigation and inquiry, than the Directors and proprietors of this Company. Let the hon. Member move for such inquiry, and he (Sir Edward Codrington) would second the Motion. With regard to the petition which he presented on the day the Bill was read a second time, he begged to say, that that was the most proper moment for presenting a petition.

Mr. *Walter* said, that after the assurance which had been given, that no more money should be advanced without the most rigid inquiry, he would withdraw the Motion.

Motion withdrawn.

Glass Duties.] On the Motion that the Glass Duties' Bill be committed,

Sir *John Tyrell* would avail himself of the opportunity to express his regret that the Government had extended no relief to the agriculturists. Their claims had been preferred and supported by unanswerable arguments. All other classes were relieved but the unfortunate agriculturists.

The *Chancellor of the Exchequer* would not be drawn into irregular discussion; but, as it was the fashion, in and out of doors, with particular parties to attribute unfeelingness to the Government regarding agriculture, he must complain that the hon. Member, after all that had passed, lent himself to such opinions. On the hustings many Members had made vehement protestations on this subject—he did not say that the hon. Member had done so; and yet a good many of those vehement advocates of the repeal of the Malt Tax, when the question was brought on, had voted against that repeal. After that he thought it was rather hard thus to attack the Government. He maintained that there could not be relief to manufactures without benefiting agriculture. It was probable that the moment this Bill passed there would be many persons taken off the roads who were now engaged in breaking stones. In one case forty labourers would be thus released. Would not taking them off the rates be of any benefit to agriculture? If the hon. Member desired to see the reasons for opposing the repeal of the Malt Tax fully stated, he would refer him to the speech of the right hon. Member for Tamworth (Sir R. Peel) on that occasion.

Mr. *Robinson* expressed regret that, as it was sought to afford relief to this particular branch of manufacture, the Chancellor of the Exchequer had not reduced the duty altogether; for by that course there would have been no necessity to keep up the machinery for collecting a small rate of duty.

The House went into Committee. The Bill was read and the House resumed.

Registration of Voters (Ireland)

The House went into Committee on the Registration of Voters' (Ireland) Bill.

On the Question that Clause 6 (which provides, "that the Lord-lieutenant shall have power to appoint barristers of not less than five years' standing to revise the lists") should stand part of the Bill,

Sir *Edmund Hayes* said, he had not yet heard any substantial reason assigned for transferring the duty of registration from the assistant-barristers to revising-barristers appointed by Government. The only one offered was, that it was advisable to separate the political from the judicial functions. That proposition might be most true in the abstract, but he denied that the registration of voters was a political duty. The only point to be ascertained was, whether or not the applicant was in possession of such a qualification as the legislature intended should entitle him to the enjoyment of the elective franchise. For that purpose, all the inquiry necessary was into the nature, extent, and circumstances of his farm, and the rent; but in order to stamp upon this duty the name of "political," it would be necessary that the barrister should be acquainted with the political sentiments not only of the claimant, but also of the candidates for the county or borough to which they belong. In no other point of view could this be thought a political duty; and he would assert, with the utmost confidence, that no such considerations influenced the assistant-barristers. It might be said that the system proposed was similar to the English. It might be; but in England, there were no officers analogous to the assistant-barrister—no machinery existed—and one had, of necessity, to be created. In Scotland, the duty of registration was left in the hands of the Sheriffs of counties—no new set of officers was created. Why, then, in Ireland make an unnecessary change? There of all places, it was most unadvisable to make the change proposed, because the right to vote was much more difficult to ascertain. The qualification was so undefined, and capable of such different construction, that the barristers appointed annually,—(without any departure from their duty,)—might be guided either to restrict or relax the franchise, in accordance with the political complexion of the Government of the day. The decisions of the assistant-barristers were likely to be in accordance with the intention of the Legislature. Experience had proved it in almost every appeal, either to a Jury, or a Committee of that House. Their decisions had been confirmed; whilst all the decisions, with scarcely an exception, which had been reversed, were those of the revising-barristers, appointed under the Reform Act. Look at the scrutiny on the Carlow Election. Almost all of the votes which were declared to be fraudulent and bad were those of men having farms, varying from three to ten acres, paying 20*s.* to 25*s.* per acre, and admitted to the register, not by the Chairman of the country, but by the revising-barrister appointed by Government, under the Reform Act. Other cases might be cited to support this view of the subject; but it was unnecessary, the fact was equally important and indisputable. It was desirable that every man fairly entitled to the franchise, according to the intention of the Legislature, should obtain it without difficulty; but it was equally desirable to exclude a class of fictitious voters, little better than those under the old system. For this purpose, it would be better not to take the duty from the assistant-barristers; and, therefore, he should move, as an Amendment, that the 6th Clause be omitted from the Bill.

Mr. Sergeant *O'Loghlen* could assure the hon. Baronet, that there existed no intention to throw any imputation upon the assistant-barristers. It was the wish of the great majority of the assistant-barristers that they should be relieved from the onerous duties imposed upon them since the passing of the Reform Bill.

Mr. *Shaw* did not doubt that such was the desire of the assistant-barristers, and it was a very natural one, as well as a strong proof of the absurdity of the charge against them—that they desired to promote particular political interests by their manner of registering. The question was, what course would be most advantageous for the public? Clearly, to retain as revising-barristers, that most estimable body of men, the assistant-barristers, whose station and character placed them above real suspicion; though, from what occurred daily in that House, it was plain that no station or character could save any public functionary in Ireland from the most base and slanderous imputations.

Viscount *Morpeth* supported the Clause, because the assistant-barristers had quite sufficient duties to perform independently of that from which this Bill would relieve them; and no objection could reasonably be made to the appointment being vested in the Lord-Lieutenant. The Judges had not the appointment of the assistant-barristers; and when an appeal was given by the Bill to the Judges, no person could maintain that any slur was intended to be cast on those learned personages.

Colonel *Perceval* said: The noble Lord must admit, that to give the appointment of the revising-barristers to the Government, was going out of the course adopted in England, and was not carrying out the principle laid down in the preamble of the Bill. In England the Judges appointed the barristers; but it was proposed that in Ireland they should not do so. Why was this to be? Was it because certain persons rose up in that House and attacked the Judges of the land, and most unjustly charged those learned personages with being political partisans? Was it because the Government was obliged to succumb to those hon. Members? Was it for these reasons, he would ask, that the attacks were permitted which, without the apparent sanction of the Government, would have been only worthless and contemptible? The country could not look with confidence to these appointments, unless they rested with the Judges. He therefore objected to the Clause, as being calculated only to please a certain party in that House, and to cast reflections upon the assistant-barristers. He agreed with his hon. Friend, the Member for Donegal, that it would be better to have the Clause omitted. The Clause appeared to him to be a perfect job; placing at the disposal of Government eleven places of 300*l.* a-year each. He called on the House to look at the registries in Ireland which had been conducted by the revising-barristers, and those which had been conducted by the assistant-barristers. If hon. Members compared the two, they would find that the former were full of objections, while to the latter there were no objections. The Committees of that House had, in every instance, by their decisions, stamped the registry conducted by the registering-barristers as bad. Those Committees which, notwithstanding the unmeasured attacks that had been made upon them in that House—notwithstanding that they had been taxed with perjury,—those Committees, who had looked at the question dispassionately, had, no matter what were the politics of their Members, pronounced it as their solemn opinion, that the registry in Ireland was deluged with fictitious voters, and it was this class of voters which the 9th Clause of this Bill was intended to preserve. The assistant-barristers in Ireland were men of the highest character, and above suspicion: they were, generally speaking, men of standing in the profession, and properly qualified to control the registry. For these reasons he should support the Amendment; and if it were lost, then he should move an Amendment in accordance with the preamble of the Bill, to the effect that the appointment of revising-barristers shall be given to the Judges.

Mr. *Ronayne* insisted that assistant-barristers in Ireland were influenced by political partialities. Their conduct, indeed, in registering voters was unjust in the extreme. The Act of Parliament made it imperative upon the barrister to call over the list of persons claiming to register, three times. The obvious meaning of that was, that the claimants should have an opportunity of answering to their names. But he knew an instance where an assistant-barrister called the list over three times before eleven o'clock on the first day of the registry, and those who happened not to be present were disfranchised. He should feel it his duty to vote against the Amendment.

Mr. Sergeant *Jackson* said: The hon. and learned Gentleman who had last addressed the Committee, had brought an unfounded charge of partiality against the assistant-barristers, as well as a most unjust accusation against an individual. The mode prescribed by the Reform Act, with respect to calling over the lists, was the mode adopted in the case the hon. Member had adverted to. The Reform Bill made it imperative on the barrister to go through the registry before he entered upon any other business; and the charge, therefore, of the hon. and learned Member for Clonmel resolved itself into this, that the barrister did not drive a coach-and-six through an Act of Parliament. Nothing could be more impolitic than to register voters whenever they chose to appear; for they would come forward when those who had objections to urge against their claims were absent. He should vote for the Amendment, because he saw no reason why a new machinery should be created when competent machinery already existed. The Solicitor-General for Ireland seemed to suppose that the assistant-barristers had not time to do the duty. They were the paid servants of the public, and were bound to devote their time to the public. If an assistant-barrister could not spare time, let him resign his office, and another would be easily got to do his duty. If revising-barristers were to be appointed, the noble Lord (Morpeth) must, of course, make the appointments on the suggestion of some person, and it required not the spirit of divination to point out who that person would be. It was clear that the revising-barristers would, in fact, be the friends and partisans of the administration which appointed them.

Mr. *Ruthven* thought the hon. and learned Gentleman had said more in favour of the Clause, as it now stood, than against it. It was surely better that each man should have his own particular business assigned him, than that he should be required to be a Jack-of-all-trades, which would be the effect of the Amendment.

Mr. *More O'Ferrall* said it was impossible that the assistant-barristers should perform the duties prescribed by the Bill, and therefore it was necessary that revising-barristers should be appointed. He could corroborate the statement made by the hon. Member for Clonmel, as to the mode adopted by the assistant-barristers in calling over the lists. In his own country he had known freeholders who had to proceed fifteen miles to the place where the registry was conducted, and on their arrival they found the list had been called over, and they were therefore obliged to return fifteen miles more without being registered. It was plain that the assistant-barristers could not perform the duty of registry consistently with the due performance of their other duties; and, therefore, the question the House had to decide was, whether they would vest the appointment of the revising-barristers in the Judges or the Government. In his opinion it would be preferable to vest the appointment in the Crown.

Mr. *O'Connell* said, the Clause was a most useful one, and the Bill could not go on without it. If the nomination of the barristers were given to the Judges, and the appeal from the decisions of the barristers likewise to the Judges, the Judge would be placed in this ludicrous position,—first, the Judge was to appoint the barrister on the score of his abilities; and then the Judge was to decide against him, because he was a blockhead. It was denied by Members on the other side of the House, that the Judges were political partisans; but was there, he would ask, no such thing as favouritism in the Irish Courts? He recollected three Chief Barons in Ireland. He knew the son of one of them. Out of seventy-four cases that were to be tried, this son held seventy briefs. Well, that Chief Baron died; and the next term his son did not hold a single brief. And the House, after the statement of this fact, was to be told that there was no favouritism in the Irish Courts. The Chief Baron to whom he had alluded was succeeded by another, and his son was in full business, so long as his father remained on the Bench. But his father left the Bench, and the year following his son dwindled into a private country gentleman, all his business having left him the moment his father retired. Did not the Irish Judges, he would ask, allow their sons-in-law to become politicians, and had not this an injurious effect upon the suitors in their Courts? He would instance a case. At the last election for Dublin, an attorney came to him and said that he was most anxious to vote for him, but he feared if he did so, it would injure his client, who had a cause to be heard by the Judge whose son-in-law was a candidate. The Irish Judges, too, were politicians. In England he never heard of an instance of the Judges going down to vote at contested elections, but in Ireland they went most ostentatiously. With respect to assistant-barristers being men of great business, the fact was not so. The appointment was usually looked to as a sort of termination to their labours, and he hoped that before long they would be prevented from practising at all. The country attorneys soon found out that no name looked so well at the foot of a declaration as that of the assistant-barrister of the county. He objected to the assistant-barristers being removable at pleasure. They ought to hold their offices during good behaviour, and ought not to be confined to one particular county. He would prefer to have them ambulatory; for whenever they remained long in one county, they became tied up with the gentry, and were looked upon with suspicion by the people. He had presented a petition against one of those assistant-barristers a few days since, detailing some circumstances which, upon investigation, might not, perhaps, prove the barrister to have acted wrongly; but all he now contended for was, that the assistant-barristers did not give satisfaction. He would recommend that the barristers should not go the same Circuit twice in succession.

Mr. *Vesey* rose to defend the conduct of the assistant-barristers in Ireland. It was his conviction, notwithstanding the attack made upon them by the hon. and learned Member for Dublin, that they had always given their decisions in the most impartial manner. Never having heard any specific charge brought forward against any of the assistant-barristers, with the exception of the one which had just been made, and which he hoped had been proved to be totally and completely futile; and believing that they had most conscientiously, impartially, and efficiently discharged their duties as revising-barristers, —and thinking that the revision of the registry could not by any possibility be placed in better hands than theirs,—he would give his cordial support to the Amendment proposed by his hon. Friend.

Mr. *Shaw:* Felt real pain at the necessity cast upon him in consequence of the gratuitous and undistinguishing slander of all those in authority in Ireland, poured forth, as usual, by the hon. and learned Member (Mr. O'Connell), to interrupt the detail of business,—which he had hoped the House would have been allowed to attend to in Committee, by making some reply to the charge. How plainly did such conduct of the hon. and learned Gentleman prove, that to remove from the assistant-barristers the duty of the revision of voters, which he (Mr. Shaw) was anxious to retain in their hands, would fail altogether to prevent the imputations which were so unsparingly, and without the slightest regard to facts, heaped upon the highest and most distinguished of the superior Judges—men who, in truth, were above all suspicion in their character and conduct; but not a whit the securer on that account from the virulent attacks of the hon. and learned Member. To be sure, Judges in Ireland, as well as elsewhere, must have sons and sons-in-law; and, were they to be debarred from being candidates for Parliament, or shut out from any other just object of ambition; or, to have such gross and disgusting charges made against any Judge connected with them? The Judge alluded to by the hon. Member, in his insinuation as to the Dublin election, was one of the most incorruptible men that ever adorned a public station. He was glad the hon. Member had not named the attorney who, he said, suspected—forsooth!—that that Judge would be influenced in his judicial decision by the fact of his son-in-law being a candidate for a seat in this House, because he (Mr. Shaw) not knowing who that attorney was, could now say, without the possibility of intending personal offence, that he must have a low and vulgar mind and be a disgrace to his profession. Assistant-barristers were not virtually, though in strictness they might be, removeable at pleasure; and the unprincipled attacks to which all men in judicial office in Ireland were subject rendered it the more necessary that they should possess character and station sufficient to repel such attacks in the minds of all reasonable and well-thinking men. He greatly objected to the power of registration being vested in the mere occasional appointees of the government. The public generally—let the hon. and learned member (Mr, O'Connell) reproach them as he pleased—knew how to appreciate the assistant-barristers of Ireland. He for one hoped they would not be made ambulatory for he was sure their character did not require it, on the ground suggested by the hon. Gentleman and he thought it would impair their usefulness, and prevent the possibility of their courts being as well regulated as they now were. The hon. and learned Gentleman asked if he was more a political partizan in denouncing the Judges than Gentlemen on the other side of the House were in defending them? He said the cases bore no parallel; but he would suppose that the present Attorney-General for Ireland, or the hon. and learned Gentleman opposite, the Solicitor-General, were, as it was very likely they soon would be, raised to the bench. They were undoubtedly much greater political partizans, in the fair sense of the term, than any Judge now on the Irish bench ever had been. Yet he should blush to think there was any Member on his side of the House who could so far forget all that was due to truth or decency as to speak of those hon. Members as the hon. Gentleman (Mr. O'Connell) had spoken of the present Irish Judges. Such conduct was degrading to them all as Irishmen and it must tend to bring disrespect upon all the constituted authorities in Ireland.

Viscount *Morpeth* feared that if he acceded to the proposition of making the appointment of the revising-barristers permanent, he would render himself liable to the charge of monopolising patronage. As the Clause stood, it left it in the power of succeeding administrations to appoint the revising barristers if it should deem fit.

Mr. Sergeant *O'Loghlen* contended that the crown ought to have the appointment, and quoted from a speech made by Sir R. Peel in 1829, to show that the right hon. Baronet had at that period contended for the same principle.

Mr. *Fitzstephen French* wished to know the reason of five years being introduced, as the necessary standing of a barrister to be appointed under this act; in England no time was required—a revising barrister might be appointed the day after he was called to the bar; and in Ireland, whenever it had been deemed expedient, to demand a qualification of a certain number of years standing, six had been the number always required; it had been so for the barristers appointed to register under the Reform Bill—it was so for the assistant-barristers, and indeed all other legal appointments.

The Committee divided on the Amendment: Ayes 15; Noes 49; Majority 34.

The Clause was agreed to.

On Clause 9,

Colonel *Perceval* said his objections to this Clause were rather increased than diminished, since he last addressed the House upon the subject. It was his intention to move such Amendments in the Clause, as would cure the defects in the present fictitious registries of Ireland. He thought all the registries should be re-opened before the registering-barristers.

Mr. Sergeant *O'Loghlen* objected to opening the registry generally in Ireland. This would put all the voters in Ireland to very unnecessary trouble and expense, which ought to be avoided, if possible. There might be, and he had no doubt there were persons improperly placed on the registry; but then, it must be remembered, that there were as many for one party as another—and, in his opinion, neither party would gain by a general revision. Balancing the inconveniences that would arise on both sides, he was of opinion that it would be better to leave the matter as it was.

Mr. *O'Connell* said, that having expressed an opinion yesterday that it was better to open the registries generally, and having changed his opinion since, he thought it but fair to state his reasons for the change. He was now of opinion, that all voters on the registry had a vested legal right to continue there. They had a vested right for eight years. Under these circumstances, and out of respect for the vested rights of the voters, which ought not to be lightly taken away, he should vote for the Clause as it stood.

Mr. *Shaw* had been greatly surprised the night before at the hon. and learned Gentleman (Mr. O'Connell) agreeing in the objection — the very first objection made to this Clause—that its effect would be to render valid all the fraudulent voters which had been improperly admitted on the registry in Ireland—and he did not wonder that the hon. Gentleman had since changed his mind. The impression in Ireland was, that this was the real motive of those who urged the present Bill, and he (Mr. Shaw) should suspect it, if they refused to make the obviously fair Amendment in this Clause which he meant to propose. It was not to open all the registries, but merely to apply the very principle of the Bill itself, as admitted by its supporters. That principle was, to give an appeal from the revising barristers to the judge, both in the case of improper admission and rejection, and to let that be final. He did not object to that principle, but he required that it should be applied as well to votes that had been as those that might be hereafter improperly admitted, and he asked, in common justice, that there should be a power in the case of all votes which had been already improperly admitted, to appeal to the Judge before they were permanently fixed on the registry. The right hon. Member moved an Amendment to the effect of his speech.

Viscount *Morpeth:* If it were considered inexpedient to open the registry generally, he saw no reason why he should comply with the modified proposition of the right hon. Gentleman. By the Bill the House shut out an appeal to the House of Commons.

Mr. Sergeant *Jackson* said, that it appeared to him that the noble Lord was not taking a common sense view of the Amendment proposed by his right hon. Friend (Mr. Shaw). It was agreed on all hands that a number of persons had been improperly placed on the registry, and the question was, were they to be permitted to remain? The Solicitor-General for Ireland had stated a debit and credit account, and had come to the conclusion that both parties were alike in that respect; but he imagined that the learned Member for Dublin took a different view of the subject; and although he founded his change of opinion upon his respect for vested rights, he thought it might be attributed to the fact of the hon. and learned Member having ascertained that a much greater number of his supporters had been improperly registered than of his opponents. He called upon the House to adopt the proposition of his right hon. Friend, and to follow out the avowed principle of the Bill, and purge the registry from the fictitious votes that had been improperly placed upon it.

Mr. *Dominick Browne* said, he did not often agree with the right hon. Gentleman opposite (Mr. Shaw), but he thought the suggestion made by him was founded in justice, and ought to be acceded to. He thought it unfair to shut out an appeal to the House of Commons against those who had been improperly registered for the last three years, without giving an appeal somewhere. He could state, of his own knowledge, having been Chairman of the county Galway Election Committee, that voters to a great extent had been fraudulently made—and he instanced some cases in his own county of a similar nature.

Mr. *Fitzstephen French* was not a little surprised at the change of opinion in the right hon. and learned Gentleman opposite; still more so, at that of the hon. Member for Dublin, who had yesterday so forcibly spoken against that Clause, and whose great experience in matters of this sort would, he thought, have prevented his adopting an opinion to be in a few hours so hastily abandoned. The only argument made use of was, that this power of appeal might be vexatiously used; but if Gentlemen would turn to the 13th section, they would see that was provided against by the power vested in the barrister—of giving costs to the amount of forty shillings. Really, from what had fallen from the right hon. the Solicitor-General (for Ireland) the evening before, when Members on both sides of the House were unanimous in calling for an alteration of this Clause, he supposed that the hon. and learned Gentleman had risen for the purpose of moving the omission of the words which had been so universally condemned; for his own part, he had no hesitation in stating his opinion remained unaltered, that the objection to voters ought not, as was proposed, be confined to matters which had occurred since this registry, but ought to be open, that the question of value, if objected to, should be examined into and finally decided on—that that decision should be conclusive — that a petition should not be allowed against the qualification of some votes, while the registry was conclusive as to the qualification of the rest—in fine, that the expense and uncertainty of Committees of that House should be got rid of for ever. The effect of the Clause as it now stood, was to do away with the power of questioning the value, at the expiration of five years, from the registration of the present voters, which at present existed, as they might be opposed in value on their claiming to register, and to perpetuate, at least for their lives, such persons now on the poll who had been improperly registered. This, he considered, was not desirable for either party, no matter what their politics might be, nor was it consistent with the principles of justice; and he trusted that the Government would not any longer oppose the Amendment.

Mr. *Jephson* agreed with his right hon. Friend (Mr. Shaw) as to the necessity of revising the registry. He knew it as a fact that persons who had been watched at one Sessions, for the purpose of having their claims objected to—had gone to another Sessions forty miles off, and got registered. In his opinion, the effect of the present Clause would be not merely to perpetuate those fictitious voters for five years, but for the lives of the parties. He would appeal to the hon. Member for Cork (Mr. Callaghan) if it were not the fact that a number of persons in Cork had been registered as ten-pound voters whose houses had only been valued at five pounds. He did not wish by any means to harass the voters, but he thought justice demanded that the registries should be purified.

Mr. *Callaghan* hoped that the noble Lord (Morpeth) would not give way on the present Question, as he was convinced that if a revision of the registry were granted, there would be no termination to it. A bar of lawyers would be employed to object to every voter, and, on the whole, the investigation would be one of the most vexatious nature. The registry for Cork, under the Reform Bill, lasted for thirty days. Barristers and attorneys, amounting to twenty persons, were employed by the Conservatives, and paid out of the Conservative fund, to throw every impediment in the way of those who came to register on the liberal side. The same staff was still kept up, and would be similarly employed if the proposed alteration in the Clause were agreed to. As the hon. Member for Mallow had appealed to him, he must say that he did not believe any such cases existed as those referred to. He (Mr. Callaghan) knew it was the fashion to say that there were a great many bad voters in the registries. He (Mr. Callaghan) was not one of those who pretended to say that there were not some, but he had no doubt they were very few. A list of 11,000 bad votes was given in before the Committee who tried the merits of the Cork Election Petition, and out of this list the then sitting Members were only able to bring forward five cases, and only established two. He, therefore, thought he was entitled to belief, when he stated that the number of bad votes placed in the registry in Cork were very few indeed. He was perfectly satisfied that if the Amendment were carried, the registries in Cork would not be concluded for six months. He considered the double appeal, as it was proposed ro give, would be fraught with the greatest possible inconvenience, unless proper care were taken to guard against frivolous objections being raised by parties not personally interested. Lord Spencer, in introducing the Reform Bill, said, that no individual was sufficiently interested in another person's being registered, as not to warrant him in preferring an objection. The case was different, however, where an individual was refused his franchise, and where that person considered himself aggrieved by such refusal, an appeal was granted. If an appeal should now be granted both ways, a pauper freeman would easily be found to object, and the parties would then have to go before a judge; and, therefore, he thought security ought to be required for the costs, in the event of the objection turning out to be frivolous. On the whole, he thought the tendency of the Amendment would be, unnecessarily to harass the voter; and sure he was, that it would cause the cry for universal suffrage to be greater than ever.

Mr. Sergeant *Jackson* possessed some information with respect to Cork, and would beg to ask the hon. Member whether there was not a Local Act which exempted from taxation all houses rated at and under five pounds. Now, he believed that there were a number of persons upon the registry who had petitioned the Grand Jury to exempt them from taxation, notwithstanding that they had registered as ten-pound householders. These facts he was ready to prove at the Bar.

Mr. *Callaghan* said, it was quite true that all houses rated, under the private Act alluded to at 5*l.*, were exempted from local taxation; but then the mode in which the valuation was made ought to be generally known. It was no usual thing to rate a house that was really worth 100*l.* a-year at 50*l.* The two things were, therefore, quite compatible—namely, that a man might not be rated to pay taxes, and yet have a house worth 12*l.* or 15*l.* a-year. It might be true, as stated by the hon. and learned Member for Bandon, that persons who had registered as ten-pound householders had memorialized the Grand Jury to remit the taxes. A desire to get off taxes could not be a just foundation for stating that the person did not possess a sufficient qualification to entitle him to be registered. He must be permitted to bear testimony to the fairness with which the barristers conducted the Cork registry. They did not grant the franchise to any man merely on his own swearing. They examined his neighbours, and did not register him until a minute investigation had taken place. The Corporation employed persons, and paid them to swear that the voters did not possess a proper qualification; but the barristers very properly refused to take the swearing of men as evidence who had been paid for the purpose.

The Clause agreed to.

The Clauses to the 30th were agreed to. The House resumed; Committee to sit again.

CASE OF COLONEL FAIRMAN.] Mr. *Hume* appeared at the Bar, and stated that he was directed to report to the House from the Select Committee appointed to inquire into the nature and constitution of Orange Lodges in Great Britain, that Lieutenant-Colonel Fairman, Deputy Grand Treasurer and Deputy Grand Secretary of the Orange Institution of Great Britain, had that morning appeared before the Committee, and had been informed of the Resolution of the House, that he was bound to produce the book alluded to in his evidence; and he was asked whether he had brought the book with him; he said that he had not, and persisted in refusing to produce it.

The Report was laid on the Table.

Mr. *Hume* observed, that there was but one course to pursue, after the course so pertinaciouly persisted in by Lieutenant-Colonel Fairman—namely, that he should he committed to Newgate for a breach of privilege of the House. He concluded with moving "That Lieutenant-Colonel Fairman had been guilty of a breach of the privileges of the House."

Mr. *Henry Maxwell* wished to observe, that two or three friends, with himself, as a deputation from an Orange Institution, had that morning waited upon Lieutenant-Colonel Fairman, to request him to comply with the wish of the House. That gentleman, however, said that he could not conscientiously comply with the desire of the House. He (Mr. Maxwell) regretted the determination that Colonel Fairman had come to, but felt bound to state what he had, in justice to the Gentlemen who were in the habit of acting with Colonel Fairman in common with the Orange institution.

Mr. *Jackson* expressed a similar opinion; and added that the Deputy Grand Secretary of the Orange Institutions in Ireland had produced a book before the Committee up stairs, in which there were some entries respecting that institution, although it was a private document. He was sorry that Colonel Fairman did not follow this exmple.

Mr. *Hume* remarked that every indulgence had been shown to the witness by the Committee, and he had repeatedly been urged to produce the book.

The Motion was agreed to.

The hon. Member then stated that it was with deep regret he made the next Motion, but as Colonel Fairman had chosen to adopt such a course as greatly to impede, if not to stop, the inquiry of the Committee up stairs, it became his duty as chairman of the Committee to do so. He then moved that Lieutenant-Colonel Fairman be committed to his Majesty's gaol of Newgate; and that the Speaker do issue his warrant accordingly.

Agreed to.

Mr. *Hume* submitted to the House whether the Committee were to be stopped short in their inquiry in consequence of the witness having withheld the book in question. He had no hesitation in saying that the inquiry before the Committee would be greatly impeded if the book were not produced. He was of opinion that the Sergeant-at-Arms should be sent to Colonel Fairman's house to search for the book.

Mr. *Warburton* said there could be no doubt as to the power of the House in cases of this kind. They had precedents that would fully justify them in adopting the course suggested by his hon. Friend, namely, causing a search for the book. This point was decided last night by the case referred to by his hon. Friend the Member for Greenock, namely, when the Sergeant-at-Arms accompanied Captain Sandon to his lodgings to search there for papers having reference to the inquiry respecting the Duke of York. That case, however, differed in some respects from the present, for the person offered to go and fetch papers, and it was thought not right to let him go except in the custody of the Sergeant. This precedent was not so strong as one he had found in the Journals. He alluded to the proceedings adopted with regard to the Directors of the South-Sea Company in 1720. On the 23rd of January, 1720, the House ordered that all the papers of Mr. Robert Knight, the cashier of the Company, should be seized, and a deputation of Members was directed to proceed to his house and search. At the same time four Directors of the Company were expelled the House, and two Members were ordered to proceed and search their houses for papers, &c., connected with the South-Sea Company. These papers were then referred to the Committee of Secresy appointed to investigate the affairs of the Company. According to this principle there could be no doubt as to the power of the House or its right to send for persons, papers, and records. Again, when the debate took place as to what was to be done with respect to Captain Sandon, there appeared to be no manner of doubt as to the power of the House in this respect. He should propose that the House should adopt similar proceedings to those pursued in the cases he had mentioned, namely, that the Sergeant-at-Arms should accompany Colonel Fairman to his house, and search for the book. In order that there might be some Motion which would enable the House to discuss the subject, he would propose that the Sergeant-at-Arms go immediately and search the house of Colonel Fairman for this book.

Lord *John Russell* suggested to his hon. Friend, that unless it was intended to act on this Motion, it would be inconvenient to propose it. The House should take care to act with due caution in a case of this kind, and he felt that it would be very inconvenient if this motion was made and discussed, and not agreed to. He agreed with his hon. Friend, that there was no doubt as to the power of the House in cases of this kind. If his hon. Friend did not press the House to a Vote on his motion, and it was withdrawn, it might lead to inconvenience.

Mr. *Warburton* was only anxious to raise a question on which the debate might turn, and to preserve the order of the proceedings of the House.

The *Speaker* said that he considered, in the view of the case expressed by the noble Lord, unless there was some urgent cause for the adoption of this mode of proceeding, it might be found to be attended with considerable inconvenience. There could be no doubt that when the House was engaged in an important investigation, and when impediments were thrown in the way of inquiry, that its powers were very great, and ought not to be curtailed. Unless, however, in cases of necessity, this power ought not to be exercised. He would submit to the hon. Member whether this would not be the best course to pursue in the present case.

Mr. *Warburton*, to give hon. Members an opportunity of delivering their opinions, would move that the House do now adjourn.

Mr. *Wallace* thought this person should be compelled to give up the book. The Committee had learnt from the Assistant-Secretary, that all the letters connected with Orange affairs began in a particular way. There could be no difficulty, therefore, in selecting them. This individual had also in his possession a large portion of the recent correspondence of the Orange Institution. He was sorry to vote for depriving Colonel Fairman of his liberty, but it was impossible to refrain from doing so under the circumstances of the case. He would move, if no other Member of greater experience did so, that the Sergeant-at-Arms proceed to Col. Fairman's residence and search for this book.

Mr. *Hardy* said, that the precedent adverted to by the hon. Member for Bridport, namely, the case of the individuals who were implicated in the South Sea transactions, in 1720, did not apply to the present occasion. The individuals concerned in the former case were implicated in a charge of fraud, and in such a case the House might very properly be called upon to exercise its powers, for the purpose of producing the evidence of that fraud. But in the present case no such charge, no pretence of such a charge, existed. On the contrary, it was contended that the book demanded of the witness by the Committee was proved not to be the property of, or devoted to the business of, the Orange Associations, but to contain in great part matters connected with the private affairs of the witness. Now, under such circumstances, he believed a Court of law would never oblige a witness to produce any book or document of the kind, though he believed that it would sanction the witness's having the book before him, in order to refresh his memory.

Mr. *Hume* observed, that it was quite clear that the hon. Member for Bradford had not listened to the previous discussion on this subject. If the hon. Member had done so, he would have been aware that the House had yesterday come to the resolution that the book should be produced. It was not a private book, because it was well known to contain matters relating to the Orange Society. The witness was asked twenty times to produce the book, and read those parts from it which related to the Orange Institution, and he pertinaciously refused to do so. The witness also admitted that this book was the only record of the transactions of the Society for a certain period. If the House thought fit that the inquiry should stop, of course it could make a virtual order to that effect, by allowing this book to be withheld.

Sir *Robert Inglis* regretted that the advice of the Speaker had not been followed, and a stop put to the present discussion. He was anxious to protest against hastily adopting any proceedings in this matter, and thought that it would be better to postpone the subject, or adopt the suggestion of the hon. Member for Bradford.

Mr. *Pryme* was surprised at the doctrine laid down by the hon. and learned Member for Bradford. It was a thing of every-day notoriety, that witnesses in

Courts of justice were called upon to produce letters and books under the writ *subpœna duce tecum.*

Mr. *Aglionby* hoped that his hon. Friend, the Member for Bridport, would persist in moving that the book be sent for. After so many precedents, he thought that the House ought not to hesitate as to the course to be pursued.

Mr. *Shaw* said, it having been decided that the book should be given up, Colonel Fairman was, in his opinion, bound to obey the order of the House, but he hoped the House would not attempt to exercise such a power as to send to the witness's private residence to seize the book. The better course would be for them to proceed against him for his refusal to obey the order of the House.

Mr. *Hume* said, he had been waiting to see whether the House would have courage enough to support its Committee. If his hon. Friend would withdraw his motion for an adjournment, he would now give notice that he would make a motion to-morrow, the object of which would be to obtain possession of the book.

Lord *John Russell* had no hesitation in saying, that he thought the House had the power to seize the papers of individuals; but it was only on great and extraordinary occasions that it ought to use that power. And he would add, he believed it was a power which would never be lost to the House except by the misuse of it. No doubt that in the South-Sea case the House properly exercised the power when it gave an order for the papers of several individuals to be seized; on that occasion the House disposed of estates by an Act of Parliament, which was considered a penal act. That was a great occasion calling for an extraordinary remedy. With respect to the other case, his hon. Friend the Member for Bridport, in bringing it forward, admitted, with his usual candour, that in one particular it did not apply to the case now before them. The individual there stated his readiness to produce the paper before the Committee. Having been found guilty, however, of prevarication, the House did not choose to trust him on his simple promise to go to his home to fetch the note, but ordered him into custody, and sent the Sergeant-at-Arms with him to his lodgings in order that he might give it to the Sergeant-at-Arms, who was to produce it to the House. If they exercised the power in this case, they might come to a very different issue. In the former case the witness having said that he was willing to produce the note, no doubt took his keys with him, and gave up the possession of it; but Colonel Fairman had refused to produce the book, and it was most probable that he would continue to refuse. If, then, they sent the Sergeant-at-Arms to his house, with an order to seize the book, he would probably have to break open the desk, or other place in which it might be deposited. He did not deny the power of the House to do this, but it would be carrying the exercise of the power further than was done in the case of Captain Sandon. He approved of the House voting in this instance, that the refusal of Colonel Fairman to produce the book was a breach of privilege, and that for such an offence he should be committed to Newgate; but he must say, he should be sorry if the Motion to which the hon. Member for Middlesex had adverted were made, and still more sorry if it were carried. His vote would be given decidedly against any such motion.

Mr. *Hawes* thought the course recommended by the hon. Member for Middlesex justifiable under the circumstances.

Mr. *Charles Buller* said, begging the noble Lord's pardon, he would declare that the present Question, respecting Orange Lodges, was of much greater importance than any question relating to a set of miserable speculators. The evidence showed that a regular conspiracy had been organized in the civil and military institutions of the empire—an execrable conspiracy. He admitted he had used too strong a term, and apologized for it; but he would say that a most dangerous conspiracy existed, which gave rise to the most abominable party and religious feelings. Captain Sandon, it was true, consented to give up the note, but he did so in a fright, and the order the House made was not conditional; it was a simple order that the Sergeant-at-Arms should go and seize the papers.

The *Solicitor-General* said, that he thought the House would do well as far as possible to keep within the ordinary course of tribunals with respect to witnesses, and the production of evidence; and he believed that it was the general practice not to enforce the production of books or documents against the inclination of the parties. At the same time, he would admit that there certainly might, and sometimes did, exist cases in which the *salus populi suprema lex* might render it necessary to pursue a different and more compulsory course. But, he would ask, was this such a case? Would the inquiry before the Committee become a nullity for want of the book which the witness declined to give up? An hon. Member behind him said, that the book was not essentially necessary, but that it was only on account of the contempt of the witness that the House should be called upon to act, and vindicate its dignity. And how was it proposed to punish the offender for this contempt? Why, by compelling him to bring forward a book which he did not care a single farthing about. His conviction, therefore, was, that no case had been made out for the interference of the powers of the House in the present instance. He could not coincide with what had fallen from the hon. and learned Member for Liskeard, namely, that it would be construed that the House, if it dissented from the Motion of the hon. Member for Bridport, did so because it was afraid of doing its duty, and vindicating its privileges. The House was, very properly, jealous of its rights and powers; but yet it was tender of using those powers, so irresponsible in their nature, except in a case of commensurate importance.

Mr. *Hawes* explained, that he had not said, that the production of the book in question was of no importance to the inquiry before the Committee. On the contrary, he had stated, that he believed the contents of the book to be highly important.

The Motion for the adjournment, was withdrawn, and

Mr. Hume gave notice, that he would on the following day, bring forward a Motion for the purpose of compelling the production of the book.

BREACH OF PRIVILEGE.] Mr. *Henry Maxwell* rose to call the attention of the House to a breach of privilege of a very gross nature, which had been committed by the proprietors of the *Dublin Evening Post*, by the publication of an article commenting in a libellous and calumnious manner upon the conduct of himself and other hon. Members in that House. Before proceeding further, he begged to assure the House that no personal or vindictive motives urged him to the course he was now pursuing, in which he was only actuated by a sense of what was due to the dignity and character of the House. The House would, perhaps, recollect that upon the recent debate on Orange Lodges, he had stated, that he had not been aware of the existence of Orange Lodges in the army until the time when he heard it stated to be the fact in the evidence before the Committee of that House. Since he had made that declaration, he had been the object of repeated attacks in the *Dublin Evening Post*, which it was well known was the organ of Government on the other side of the water. The hon. Member then read extracts from these articles, the first of which was as follows:—"But then, as to Maxwell and Verner, who were so stupidly lauded by O'Fudge for their courage and constancy, as if they did not turn their backs upon their wretched dupes, when the treason they were practising in the army was brought home to their door, as well as to that of the 'Illustrious' Duke, as if they did not 'lie' when they declared they knew nothing of Orange Lodges in the army, although they actually signed warrants for their establishment; yet these men are held forth by the treacherous scribbler, who is catering to the worst passions of the Orange mob, as their champions and heroes. Aye, verily, champions and heroes, who threw down their arms when the deadly charge was made, and to save theis carcasses told most notorious—(we shall be delicate) — fibs; thus leaving their followers to bear the odium, and to incur the danger of promoting a sedition in the army; while they, the contrivers of the treason, shelter themselves from the responsibility by hazarding." The second paragraph which the hon. Member read was, we believe, as follows:—After commenting upon some remarks which appeared in a contemporary Journal, the *Dublin Evening Post* went on to say, "'A farce?' Was it 'a farce' which compelled Maxwell and Perceval both to lie—both to assert, in the face of the Commons of England, that as a fact which every man who heard them must have known, as the unfortunate men themselves were fully aware, to have been a falsehood namely, that Maxwell and Perceval were ignorant of the existence of Orange Lodges in the army though they actually signed warrants for the purpose? Was it 'a farce' which made these people disgrace themselves even in the eyes of their own followers?" He would make no comments on the paragraphs, but move that they be read by the Clerk. The paragraphs were accordingly read by the Clerk. The hon. Member next moved, that the writings which the House had just heard were a breach of the privileges of the House.

Mr. *Hume* said, that in the first paper which had been read, there was no allusion made to the House of Commons, and therefore it could not be considered a fit subject on which to raise a breach of privilege.

Mr. Sergeant *Jackson* said, the article contained a direct allusion to what had been said by hon. Members in that House. He would ask the Clerk to read the paragraph again, in order to satisfy the hon. Member for Middlesex on this point.

The Clerk again read the paragraph,

Mr. *Hume* said, he could not see that there was a single word in it about anything which took place within that House.

Mr. *Twiss* said, the article was headed "Orange Affairs — the Debate." He would read some further extracts from it, and hon. Members would then judge whether it referred to the House or not:—

"ORANGE AFFAIRS—THE DEBATE:

"We can only refer, and in general terms, to the debate. That most impracticable man, Joseph Hume, was not to be put out of his way. In vain did Verner vow, and Maxwell mutter, and Dr. Nicholl preach—the Member for Middlesex remained inexorable—and the damnatory resolutions were passed, and the 'illustrious' Personage will immediately have to choose whether he shall remain a Field Marshal or a Grand Master. The speech of Mr. Sheil, of which we insert what may be almost designated a verbatim report, is by far the most successful, as well as one of the most eloquent discourses delivered even by this very distinguished orator. Indeed, it appears to us quite a master-piece. It completely dumbfoundered the chop-fallen Orangeists in the House, and carried the majority with it.

"Nay, the Orangemen affect to be quite satisfied — yea, exceedingly delighted —with the result of the debate. The gentle souls! it is easy to satisfy them. But let us hear what they have gotten to say. Thus saith the renegade O'Fudge of "*The Evening Mail*:"—

"One comfortable reflection upon the issue of the debate is, that the sting has been drawn from the malice of Mr. Hume, and that, in obedience to the unanimous sense of the House, the two Resolutions reflecting offensively on his royal Highness the Duke of Cumberland were withdrawn.'

"Now, O'Fudge is either asleep or he is a wilful—no, no; we must speak pretty. Our own opinion is, that this Papist is as great a dunce as he is a shameless apostate. What, for instance, is the ground of his 'comfortable reflection' as to the Duke of Cumberland? This:—

"That an humble address be presented to his Majesty, praying that he will be graciously pleased to direct his royal attention to the nature and extent of Orange Lodges in his Majesty's army, in contravention of the general orders of the Commander-in-Chief of his Majesty's forces, issued in the years 1822 and 1829, which strongly reprobate and forbid the holding Orange Lodges in any of his Majesty's regiments; and also to the circumstance of his royal Highness, Ernest, Duke of Cumberland, a Field-Marshal in his Majesty's army, having signed warrants in his capacity of Grand Master of the Grand Orange Lodge of Ireland (some of them dated so recently as April in the present year) which warrants have been afterwards issued for constituting Orange Lodges in the army.'

"If the success of this Motion be so extremely comfortable to the Orangemen, all that we can say is, that we sympathize most heartily in their 'comfort,' and congratulate them exceedingly on the grounds of their reflection. The truth is, that this Resolution will deprive them of the Grand Master, or the army will lose a Field Marshal. *Utrum horum mavis accipe.* We really don't care which of the two, but we should recommend the latter alternative to his royal Highness. It would be more princely and magnanimous, and, with his personal views, perhaps most politic."

Any hon. Member who would say that did not refer to the House of Commons, was unfit to be upon a Committee of the House.

The *Chancellor of the Exchequer* said, that he was not going to controvert the position that these articles applied to the speech of the hon. Gentlemen—he would take higher ground. He would appeal to the hon. Gentlemen who were themselves concerned in this matter, and ask them whether, on the whole, they thought that it was necessary to their own vindication, or consistent with their duty as Members of Parliament, to proceed any further? They lived in times of great excitement. The House well knew, that scarcely a night passed in which some one hon. Member or another in the debate within the walls of this House was not carried beyond the strict rules of order and propriety. The excitement which existed in the House extended far beyond it. And let not the hon. Gentlemen for one moment imagine, that attacks were directed solely against themselves. If hon. Gentlemen felt it in the slightest degree necessary for the vindication of their character to bring under the consideration of the House every newspaper attack that was made, there would not be a night on which the proceedings of the House would not be interrupted by such motions. Any Gentleman might complain of a breach of privilege—any publication of anything that occurred in this House was a breach of privilege. He hoped the hon. Gentleman would not imagine that in what he was saying he wished to defend individuals who made such attacks as these. The present was certainly a very gross and improper attack; but he begged to say, that worse terms were continually applied to him, and he could go to bed and sleep undisturbed by any dreams of newspaper devils drawing his curtains in the dead of night. Bad as were the terms of reproach in the publication brought under the notice of the House on this occasion, he must declare he thought even them less objectionable than attacks which had been made upon himself and his friends, in a supposed report of a speech which described them as Radicals, Infidels, and Republicans, and God knew what besides. But were they to come down to the House to complain of the morning papers, the evening papers, and the weekly papers, whenever the public conduct of hon. Members was spoken of in terms of which they disapproved? Undoubtedly there was great excitement existing at this period; in proof of which he might state, that he had known even the private confidence of social intercourse violated to furnish matter for individual attack. It had happened that what had transpired at his own table, when among Members of Parliament—Members of this House were present—had been made the subject of misrepresentation and falsehood in the course of the very next day. This was a fact with which some of the hon. Gentlemen opposite were acquainted. He might be told, that a Chancellor of the Exchequer ought not to be thin-skinned—that that illustrious individual in the Zoological Gardens, the Rhinoceros, was alone entitled to a thicker skin; but he put it seriously to the House whether they would consent to constitute themselves a censorship. He could assure the hon. Gentleman that his character did not need such a protection. If these attacks were taken up by the Whig or Reform party, he would say, that they exhibited undue sensibility. For himself, he would stand on his character; he would not submit to a vote of this House. With a view to prevent a recurrence of such attacks, the best way was to disregard them—to let them pass by unnoticed. They could not offer a greater bounty on personal attack, founded on falsehood and misrepresentation, than by making those responsible for it, the subjects of such proceedings as these; they were by these means at once raised into importance, and grew into giants. He would not move the Order of the Day, but would confidently leave the matter to the hon. Gentleman's consideration.

Mr. *Henry Maxwell* felt as little annoyed as any other hon. Member at newspaper defamation; but when this attack was but a continuation of a series of the foulest and most malignant falsehoods, circulated all over Ireland for a month against his character and conduct—when he was charged with being a deliberate liar, with abetting treason—he, as a Member of that House, should fail in his duty, if he did not bring the matter before the House. It was the duty of Members to vindicate the character of the House, and he for one would do so, and persevere in his Motion.

Colonel *Verner* said, he had personally as great a contempt for the libels of that paper as any man could have, neither would he have noticed the present paragraph, had it not been a continuation of long-repeated attacks, holding up him and those who agreed with him to public reprobation. Had the paragraphs been of an ordinary kind, he would have disdained to notice them; but when they not merely ascribed to him and his friends principles they repudiated, but marked them out as objects for the hatred of the people, he could not but urge his hon. Friend to persevere.

Mr. *Hume* would act impartially between both sides of the House. For himself, he had been the subject of constant attack these twenty years, yet he never minded it. When the gallant Admiral (Sir Edward Codrington) was assailed in the most violent manner by a morning paper he brought forward the matter, and, having vindicated himself by this course, abandoned all future proceedings, at the suggestion of the noble Lord (Lord John Russell). He (Mr. Hume) then expressed a wish, that further proceedings should be stopped; and he hoped, now that the hon. Gentleman would withdraw his Motion. The hon. Member moved the Order of the Day.

Colonel *Perceval* said, the question was at present one of breach of privilege, as it referred to what occurred in the House; and, as such, the House ought to deal with it. As to the vile calumnious paragraphs about him, and as to the parties who furnished them, he had the greatest contempt for them. He knew the quarters from which these slanders flowed, and he was little hurt by them as an individual; but as a Member of Parliament, he felt called upon to assert its dignity. If the Government authorities—and this paper was the reputed organ of the Government, and the vehicle for the spleen and vindictiveness of its underlings—called him liar, traitor, and what not, he cared but little. This he did not say with any view to offend the Members of the Government, for he entertained for them individually great respect. But the *Dublin Evening Post* seemed to possess a character all over the country as the organ of the Government, and as authorized by it to libel every one who differed from it in opinion. He despised these attacks as a private individual, for to care about them would show they were in some measure true; but as a Member of that House, independently excercising his right, he was bound to notice them. Every right-minded man—(to use the expression of the hon. Member for Dublin in his remarks upon him, Colonel Perceval, the other night)—must be satisfied, and was satisfied, that the solemn denial of himself and his friends of the knowledge of the existence of Orange Lodges in the army was perfectly true. There was no low pothouse in Ireland, no place of public resort, where this paper was not read, and the slander which it disseminated under the sanction of the Government would make a proportionate impression on the people. He hoped his hon. Friend would persevere, and afford the Government an opportunity of either shielding the paper or repudiating all connexion with it.

Viscount *Morpeth* observed, as to the paper in question being the organ of the Irish Government, that he begged once for all to disclaim any share on the part of that Government in carrying their opposition to their political opponents beyond the fair limits of public disagreement and causing it to degenerate into personal attacks. At the same time, he did think that if the Irish Government were to look about them, they might find, in other portions of the Irish press, much ground for recrimination. Even in a paper belonging to this side of the water, so humble an individual as himself had been made the subject of a lengthened and laborious parallel with Pontius Pilate, and yet he had not thought of coming down to the House to ask for protection.

Mr. *O'Connell* said, he must really admire the heroism of the hon. Gentlemen opposite in despising the attacks upon them yet calling for punishment at the same time. This was true magnanimity. If they wished his side of the House to believe that they did not mind these attacks, that they did not deserve them, then he would say that they did not believe them, and ought not that to satisfy them? Aye, but it seemed they wanted exculpation first and vengeance after. He hoped the *Post* was not, as was said, the organ of the Government, for no one paper ever abused another more than the *Post* abused him. For many years its only trade was to abuse him. There was never a man better abused than he was. He would give any man thirty per cent. yet beat him hollow in the way of receiving abuse. But when the sensitive Gentlemen opposite complained of the abuse of the *Post* did they not read the *Evening Mail* and the *Packet*, which were at least as hearty in their abuse of him and the Liberal party as the *Post* was of the Grand Master, the Grand Secretary, and the Grand Treasurer of the Orange Institution—those three "grands." The *Post* had been sinking forty to fifty per cent. for abusing him and those who agreed with him, but this debate would give it at least 300 additional subscribers: and all this god-send to the *Post* would be through the favour of these offended "grands." Why, his friend, little Conway, would make money of these Orangemen, and his hostility would not be for nothing. It would be said, "Oh, the three "grands" of the Orange lodges are about to fetch up Mr. Conway to the House of Commons for an attack on the Orangemen, and we must stand to him. But at what time was all this importance to be attached to a squib? When the Holy Alliance was concentrating their armies—when Spain was blazing with civil war—when England was agitated—and the infernal machine was playing away at Paris. What was this mighty motion? Why, to fetch away little "Rundy-tundy Conway," so they used to call him—of No. , Trinity-street, the father of nine children—before the British Parliament, for hurting the dignity of the three Orange "grands." But, to be serious, Gentlemen should take care how they made themselves judges and prosecutors at the same time. The liberty of the press was a serious thing to be trifled with. If there was a paper that might raise a London mob about their ears, then there might be some excuse in putting it down. But who could say that the *Evening Post* in Dublin could do mischief to the Parliament? The Gentlemen opposite might be good-humoured, and no doubt they were when they liked it. Now let them show it by forgiving Mr. Conway. The gallant Colonel said he had accused the gallant Colonel of being a sound-minded man. Now he never did: but he would now, if he interposed to withdraw the motion.

Mr. Twiss requested his hon. Friend to withdraw the motion.

Mr. Maxwell would persevere in his Motion.

Mr. Hume would divide the House on his Amendment.

The House, however, divided on the Motion for proceeding with the Orders of the Day: Ayes 58; Noes 18: Majority 40.

List of the AYES.

Adam, C.
Aglionby, H.
Attwood, T.
Baines, E.
Baring, F. T.
Barry, G. S.
Blake, M. J.
Barron, H. W.
Bowring, Dr.
Brocklehurst, J.
Bridgman, H.
Browne, D.
Brotherton, J.
Buckingham, J. S.
Chalmers, P.
Dillwyn, L. W.
Donkin, Sir R.
Duncombe, T.
Dunlop, C.
Dykes, F.
Elphinstone, H.
Ewart, W.
French, F.
Handley, H.
Hector, C. J.
Hindley, C.
Hoskins, K.
Howard, P. H.
Humphery, J.
Jephson, C. D. O.
Lynch, A. H.
M'Leod, D.
Morpeth, Lord
Murray, J. A.
Nagle, Sir R.
O'Ferrall, M.
O'Connell, J.
O'Connell, M. J.
O'Connell, D.
O'Loghlen, M.
Poulter, J. S.
Potter, R.
Power, J.
Pryme, G.
Rice, Right Hon. T.
Rolfe, Sir R.
Ronayne, D.
Robinson, G. R.
Ruthven, E. S.
Ruthven, E.
Smith, B.
Tancred, H. W.
Villiers, C. F.
Wakley, T.
Wallace, R.
Walker, R.
Warburton, H.
Wyse, T.

TELLERS.

Ord, W. H.
Smith, V.

List of the NOES.

Archdall, M.
Bonham, F. R.
Cole, A. H.
Dick, Q.
Freshfield, J. W.
Gore, O.
Gordon, W.
Houldsworth, T.
Jackson, J. D.
Longfield, R.
Plunket, R.
Rickford, W.
Shaw, F.
Stormont, Lord
Twiss, H.
Verner, Colonel
Vere, Sir C. B.
Young, J.

TELLERS.

Maxwell, H.
Perceval, A.

MARRIAGE ACT AMENDMENT.] Mr. Horace Twiss moved the further consideration of the Report on the Marriage Act Amendment Bill.

Mr. *Poulter* said that, sorry as he was to make any objection to the Bill which might have the effect of putting an end to it, he could not allow the second Clause to pass, as he considered it directly inconsistent with the principle laid down in the first, it was also inconsistent with the promise of his hon. and learned Friend, the Member for the Tower Hamlets (Dr. Lushington) when he promised, that next Session, a Bill should be introduced for making certain marriages in future good and valid, for the Clause in question distinctly and finally condemned to all intents and purposes all such marriages as absolutely null and void. Upon that ground, and as the Amendment suggested by him the other night, viz., the excepting from the operation of that Clause the case of a man desiring to marry the sister of his deceased wife, had not been acceded to, he should move that Clause 2 of this Bill be struck out.

The Speaker suggested that the House should go into Committee to discuss the subject.

The House in Committee.

On Clause 2,

Mr. Poulter moved that it be struck out of the Bill.

Mr. *Potter* hoped his hon. Friend would not persevere in his opposition, because great fear had been expressed that the Bill would be lost, and in that case what would be the feelings of great numbers of persons who were anxiously looking for it with a hope that it would be passed into a law.

Mr. *Poulter* said they ought to legislate on correct principles and not insert a Clause wholly subversive of the principle laid down in the first Clause of the Bill.

Mr. *Ewart* said, the only question was whether the two Clauses were consistent. It was not right to purchase present advantage at the expense of future consistency. He considered the two Clauses wholly inconsistent, and the House ought, whatever their feelings might be, to proceed on that principle alone.

Mr. *Pease* objected to the Clause as contradicting every principle, whether of law or of humanity, by punishing the children for the offences of the parents. If they sanctioned the principle that those marriages were invalid, they should alter the law altogether: the Clause was wholly inconsistent and contradictory, and he should vote against it.

Mr. *Pryme* could not agree in the opinions just expressed as to the contradictory nature of the Clause. What was more common than to forbid a thing for the future, but to say they would not interfere with those, who, either in carelessness or ignorance, had hitherto transgressed? At present, marriages were continually contracted, which were productive of the greatest inconvenience and confusion, and he could not agree with his hon. Friend the Member for Shaftesbury, (Mr. Poulter) that such marriages, for instance of a man with his wife's sister, ought to be permitted. If it was intended to introduce next Session a measure of mitigation, there might be some reason for postponing the Clause, but he could not agree to any alteration in the degrees of consanguinity now existing, and he considered there would be no inconsistency in allowing the second Clause to remain in the Bill.

Mr. *Twiss* said there was no question as to the first Clause. As to the second he begged the House to consider the present anomalous state of the law as to marriages. As the law now stood the marriages alluded to were not void, but only voidable; at the instance of any malicious person a suit could be instituted in the Ecclesiastical Court, and the marriage could be declared void. Now, under these circumstances the Legislature was driven to do one of two things, make the marriages absolutely void, or absolutely valid; it was impossible to leave the law in its present state; for no error could be greater than that of leaving the law on so important a subject in a doubtful situation. But then if the House were to declare those marriages valid, the effect of such a provision would be, to shock the prejudices—the powerful prejudices—of a very large proportion of the British population, and prejudices the more powerful, because they were of a religious character. Now he could not but respect religious scruples, though they might be erroneous, and he was sure his hon. Friend, the Member for Shaftesbury (Mr. Poulter) would admit that the existence of those prejudices formed a powerful argument against the rendering those marriages valid. They were driven, therefore, since they could not leave the law in its present doubtful state, to the alternative of making those marriages, for the future, void. There could be no hardship in that, for the House would then declare plainly its intentions, and by so putting the law at rest would prevent people from, as it were, cheating themselves; and, under the impression that valid marriage might take place in future, allow a relaxation of morals which it was very desirous not to encourage.

The Committee divided on Mr. Poulter's Amendment: Ayes 33; Noes 21: Majority 12.

The Clause was struck out.

Sir *William Follett* said, that nobody he thought would contend that such marriages ought to be allowed; as the law now stood, they were not void but only voidable, and he thought it advisable to set the question at rest by making them for the future either void or valid; that was his intention in inserting the 2nd Clause in the Bill.

Mr. *Poulter* said, what he agreed to was the remediable part of the Bill, but he considered, that as they could not at this period of the Session deal satisfactorily with this important subject, they should leave the subsequent part of it open to deliberation in a future Session; he thought they had acted safely in striking out the Clause, leaving the rest of the Bill to operate.

Sir *William Follett* considered the rejection of the 2nd Clause as a virtual rejection of the Bill, he was sorry the hon. member had done so, and he should therefore, not trouble the House with any further Amendments.

Dr. *Nichol* considered it perfectly consistent to declare marriages already consummated, and marriages, the parties to which were dead, to be valid; and at the same time to make all future similar marriages void. He should have supported the Bill in its original form, and he considered that the Amendment of the hon. Member for Shaftesbury had reduced it to a perfect absurdity.

The House resumed.

GENERAL DARLING.] Mr. Tooke moved that the Committee of Inquiry into General Darling's conduct should be empowered to send for Persons, Papers, and Records.

Sir *Henry Hardinge* regretted that the inquiry was not conducted with the harmony which was desirable. For his own part, he desired to appeal to the House and to the Chair to know whether the Committee was or was not a Committee of Inquiry, and whether it was not acting improperly in assuming much higher powers? If the powers attempted to be assumed by the Committee were granted, the liberty of the subject would be seriously endangered; and thinking that the proceedings of the Committee were most tyrannous, he objected to continuing his attendance, unless he received an assurance from the House, that the Select Committee appointed to inquire into the conduct of General Darling was not a Committee vested with judicial powers. In that Committee charges had been brought against General Darling, which were charges of murder or of manslaughter; the Court before which those charges were to be tried had been appointed by the hon. Member who conducted the prosecution; and the witnesses who were examined were not sworn. Under these circumstances he thought that justice could not be done. He must regard the Committee as the most democratical species of Star Chamber ever established, unless its functions were confined to the mere business of inquiry. When he first attended the Committee, he heard an hon. and learned Member, who possessed great weight in that House—he meant the hon. and learned Member for Dublin—state, when an hon. Friend of his (Sir Henry Hardinge's) moved that the Committee-room be cleared of strangers, that the Committee ought to be an open Committee, because it partook of the character of a criminal court, and had judicial functions to discharge. He had also heard the hon. Member for Tralee speak about employing counsel to conduct the prosecution. Now, if these hon. Members were right in the view they took of the character of the Committee, then, in his opinion, a precedent of a most dangerous and tyrannical nature would have been established, and he declared that nothing should induce him to sit on that Committee, and thereby be a party to the establishment of so improper a precedent. It would be in the recollection of the House that the appointment of the Committee was opposed by the Government, but that they were overpowered by the hon. and learned Member for Dublin and the question carried against them. He had in the Committee proposed a resolution declaring that it was merely a Committee of Inquiry, but he was met by the previous question. He had intended to follow up that resolution by another directingthat strangers should be excluded, but he was told that the Committee was a Judicial Court, and ought therefore to be open to the public. He had also to complain of the manner in which the Committee had conducted these proceedings. General Darling was informed, that the first charge that would be gone into would be the grants of land made by him; and General Darling prepared himself accordingly. On the day of the meeting of the Committee, however,the hon. Member who conducted the prosecution changed his line of proceedings, and entered on the case of the soldiers Sudds and Thompson, which, in fact, amounted to a charge of murder, and allowed General Darling only twenty-four hours to prepare his defence. A proposition was made to give General Darling a period of ten days for that purpose, but it was negatived by the Committee. He considered that General Darling was harshly treated, for he had been five times tried, and five times acquitted. The right hon. Gentleman was about to detail the circumstances relative to the different inquiries which General Darling's case had undergone, when he was interrupted by

Mr. *Aglionby*, who thought that those matters had no connexion with the conduct of the present Committee.

Sir *Henry Hardinge* said, he only alluded to the subject in order to show what was the scope which the investigation was taking. The accusation against General Darling, in the cases of Sudds and Thompson, was that of murder or manslaughter, and into that accusation a Committee of the House of Commons was entering. Now, he wished to know from the Chair if the Committee of Inquiry did not exceed its powers in so doing? If the answer was in the affirmative, he trusted the Committee would retrace its steps, and confine itself within its due limits, if, on the contrary, the House should decide that it was competent for a Select Committee to investigate a charge of a criminal nature—if it was competent for such a Committee to convert itself into a Star-chamber, and in that capacity to assail even the liberty of the subject—he, for one, would have nothing further to do with it. Nothing was more monstrous than the course in which the Committee was then proceeding. Would it be believed that the prosecutor had gone so far as to produce irons, alleged to have been used in the case of Sudds and Thompson; which irons, it was subsequently discovered, had been fabricated in London. The hon. and Gallant Member concluded by requesting to know from the Chair whether there was any precedent for such a proceeding as that he had described, and particularly whether a Select Committee of the House of Commons could convert itself into a criminal tribunal for investigating a charge of murder! Certainly, in his view, nothing more iniquitous, more tyrannical, or more unjust than the conduct of several of the Members of the Committee, could be conceived.

Mr. *Warburton* thought that the right hon. and gallant Member ought in fairness, before charging the Committee with improper conduct, to have called for the production of the Minutes of their proceedings. The right hon. Gentleman said, he was induced to call the attention of the House to the subject, because he heard a certain observation made by the hon. Member for Dublin. Now, he did not think that the Committee, or that House, ought to be bound by every inconsiderate expression that might fall from any Member. He believed that the conduct of the Committee was guided solely by a desire to do what they considered their duty. He admitted that he had moved the previous question on the right hon. Gentleman's Motion, declaring the Committee to be simply a Committee of inquiry, because he thought that the Committee needed not to be told what their duties were, and because he saw no advantage in affirming a mere abstract proposition. He had also opposed the Motion for the exclusion of strangers from the Committee-room, because any Member by noticing their presence had the power to cause the room to be cleared. The right hon. Gentleman had said that the Committee had assumed extraordinary powers, but he should like to know in what respect the rules of the House regulating the proceedings of Committees had been violated? The right hon. Gentleman, while he denied that the Committee ought to be considered a judicial tribunal, had, nevertheless, not scrupled to apply the term "prosecutor" to the hon. Member for Tralee.

Sir *Henry Hardinge* said, he had made use of that term for the sake of brevity, and with no offensive intention.

Mr. *Warburton* continued: He said that it was true, as the right hon. Gentleman had stated, that certain charges against General Darling had been drawn up, but that had been done entirely at the desire of such Members of the Committee as usually voted with the right hon. Gentleman opposite. With respect to the statement that the hon. Member for Tralee intended to employ a solicitor to assist him, he begged to inform the House that that intention was only formed after an expectation had been raised that General Darling would employ counsel.

Sir *Henry Verney* trusted that it would not go forth to the public that General Darling had any desire that the inquiry into his conduct should not be completely public. For his own part, however, he hoped that the evidence received by that Committee would not be printed; because, as General Darling had not had time to prepare his defence, it would most unjustly affect his character.

Mr. *Maurice O'Connell* understood that during his absence from the House, the right hon. Gentleman opposite had designated him as the Member conducting the prosecution against General Darling. He had, on a former occasion, disclaimed all intention of assuming such a character, and he therefore trusted that the right hon. Gentleman would withdraw the expression.

Sir *Henry Hardinge* said, that he had designated the hon. Member as the person conducting the prosecution, because it was on his Motion that the Committee was appointed, and it was by him that the different witnesses were summoned. He meant to say nothing offensive, and if the hon. Member would supply him with another expression, descriptive of the leading part he took in the Committee, he (Sir Henry Hardinge) would readily adopt it.

Mr. *M. O'Connell* thought that he might, with greater propriety, be designated as the Member conducting the inquiry. He understood that the right hon. Gentleman had also alluded to a set of irons, which, at his suggestion, had been manufactured. Did the right hon. Gentleman mean to say, that in procuring those irons he had been actuated by an improper motive?

Sir *Henry Hardinge* could not undertake to say what the hon. Member's motives were. He was bound to believe that the hon. Member had no motive but that of justice, although he certainly regretted that the irons had been introduced.

Mr. *Aglionby* remonstrated against the vagueness of the charges brought by the right hon. Baronet against the Committee, and called upon him for a particular accusation.

The *Speaker* said, that having been appealed to by the right hon. Baronet for his opinion, he was bound to say (as we understood the right hon. Gentleman), that the zeal of the Committee, and their anxiety efficiently to discharge the important duties intrusted to them, might, perhaps, have carried them somewhat out of the sphere of their duties. He hoped, therefore, that they would now proceed on the distinct understanding, that it was a Committee of Inquiry merely. The House itself had no judicial power such as that which had been adverted to, and therefore, could not delegate such a power. With respect to the exclusion of strangers, there could be no doubt that a Committee had as much right to order that exclusion as the House itself.

Mr. *Aglionby* still thought it necessary to call on the right hon. Gentleman opposite, who had designated the Committee as a democratic star-chamber, and charged it with tyrannous conduct, to state one fact which could justify such a charge. He, as a Member of that Committee, would be ready to defend it.

Sir *Henry Hardinge* repeated what he had already said, that when he made a Motion with a view of ascertaining what the powers of the Committee were, the Committee refused to entertain it. He also stated, that the hon. and learned Member for Dublin described the Committee as a judicial body, and that the hon. Member for Tralee had expressed an intention of employing a solicitor to conduct the inquiry. Under these circumstances, he thought it right to state to the House, that he would be no party to such a tyrannical act as that of allowing a Committee of the House of Commons to usurp the functions of a Court of Justice.

Mr. *Aglionby* appealed to the House, whether the circumstances stated by the right hon. Gentleman warranted the use of such language as the right hon. Gentleman had applied to the Committee? It surely did not become those who desired to exclude strangers, and make the proceedings of the Committee perfectly secret, to accuse the Committee of being a Star-chamber. He hoped the time would come when the vote of Members of every Committee would be made public. He knew that he had never given a vote which he desired to conceal. He was willing to allow General Darling every facility to prepare his defence, and though the right hon. Gentleman might cease to attend the Committee, he (Mr. Aglionby) would continue to discharge his duty, and would ask the witnesses every question the answers to which were likely to be advantageous to General Darling. The hon. Member concluded by stating that the irons had been manufactured solely for the purpose of being exhibited as a model of the set placed on the soldiers Sudds and Thompson by General Darling's order.

The *Chancellor of the Exchequer* thought that the whole proceedings had been irregular from first to last. As long as it was a matter of explanation between the Members of the Committee he did not like to interfere, but now he felt bound to protest against the greater portion of the discussion. He thought if there was one matter more than another, they ought to be cautious of interfering with, it was with the proceedings of a Committee of Inquiry then sitting—nothing could be more disorderly than to do so while the Committee was sitting. He was in hopes that after the question had been put to the Chair, the discussion would have terminated; since then nine-tenths of it had been irregular. He thought that no charges could be fairly brought against the Members of the Committee, or against the hon. and learned Member for Tralee. There was nothing to justify the interference of the House.

Mr. *Tooke*, as Chairman of the Committee, vindicated the integrity of its proceedings, and protested against its being stigmatized on account of expressions used by individual Members, and not adopted in subsequent Resolutions of the Committee. He denied that the Committee deserved the character of a democratic Star-chamber; it had acted within the strict line of duty.

Mr. *Twiss* said, that if the Committee were considered as a judicial tribunal, the presence of strangers was admissible; but if, as was asserted, it did not partake of that character, strangers were properly excluded. The object of excluding strangers was not to shelter the votes or proceedings of any Members of the Committee, but to prevent the case from being unjustly prejudiced. He complained that the Committee did not distinctly define its own character when called on to do so, but left the matters in doubt as to whether it was a judicial tribunal or not. He thought the proceedings of the Committee in this and other respects injurious to the privileges of the House and the best interests of the subject.

The question that the Committee have power to send for persons, papers, and records was agreed to.

HOUSE OF LORDS,

Friday, August 21, 1835.

Minutes.] Bills. Received the Royal Assent by Commission:—Tea Duties'; Postage; Court of Bankruptcy Fund; Public Roads' (Ireland); Assizes' Removal (Ireland); Sinecure Church Preferment; Irish Linen Trade; Sheriffs' Declaration; Seamen's Enlistment; Lunatic Act Continuance; Registrar's Office Improvement; Certiorari; Loan Societies; London Small Debts; and several Private Bills.—Read a third time:—Militia Staff Reduction; Slave's Compensation.—Read a second time:—Illegal Securities; Weights and Measures; Tonnage Admeasurement; Turnpike Roads' Act Continuance; and Hull Merchant Seamen's Fund.

Petitions presented. By Lord Forrester, from three Places, against the Imprisonment for Debt Bill.—By Lord Farnham, from Dublin, against the Municipal Corporations' (Ireland) Bill.—By Lord Foley, from Worcester, for the Better Observance of the Sabbath; from Daventry and Kidderminster, in favour of;—and by Lords Dynevor and Farnham, from several Places, against the Municipal Corporations' Bill.—By the Duke of Wellington, the Earl of Mansfield, and Lord Farnham, from several Places, against the Irish Church Bill.

Tithes on Turnips.] The Duke of *Richmond* moved that their Lordships be summoned on Monday, when he should propose the second reading of this Bill.

Lord *Ashburton* wished to suggest to the noble Duke that at this late period of the Session a Bill upon a part of a subject ought not to be pressed, when it was clearly understood that in the beginning of next Session the whole subject was to be taken into consideration.

The Duke of *Richmond* could not possibly adopt the suggestion thus thrown out, and he must beg to state the reasons why he declined. This Bill was brought into Parliament in consequence of a claim made for tithes on turnips pulled from the ground but left in the fields as food for sheep penned there. It had never before been considered that such turnips were titheable. A Clergyman had, however, set up a claim of this kind, and that claim had been sanctioned by the decision of a Court of Law. Now these turnips were merely hoed up by the farmer to assist the sheep in getting at them, but they were not carried off the field, and therefore had never been considered to be titheable, because tithes were payable on the sheep and by agistment on the land, and turnips so consumed had therefore always before been treated as grass. This new claim of tithes was a great grievance on the agriculturist, and one which was likely to produce a most serious effect. As it was the wish of all their Lordships that the question of tithes should be fairly considered next year, he thought that they would agree with him that it would be as well at once to get rid of an acknowledged grievance of this sort, and not allow it to be mixed up with the general question.

The Earl of *Rosslyn* confessed that he had great jealousy of any legislative proceeding being thus founded upon any one case. The decision referred to was only a holding at Nisi Prius, and might therefore be questioned in the Court. [The Duke of *Richmond:* It was a decision of Lord Lyndhurst.] That might be, and yet, with all his respect for the noble and learned Lord, he did not think it quite impossible that he might have been mistaken in a case thus for the first time brought before him.

The Earl of *Devon* was inclined to believe that the noble and learned Lord's decision stood unquestioned, it being quite coincident with the principle of the law, He thought as this claim of tithes was perfectly new, and must be founded on a new application of the law, one which had perhaps never been intended, the Parliament might meet an evil of that kind, though in an individual case, by an act of legislation.

The Duke of *Richmond* repeated, that this claim was a case of great hardship to the farmer, and likely to excite a strong prejudice on the Question of Tithes, and he should persevere with the Bill. He was willing to put off the day from Monday to Wednesday; but that was all he could do.

Lord *Ashburton* remarked, that this was a Question of property between the man who had property subject to tithe, and the man who claimed a right to take tithe on that property. On that ground he objected to the Legislature interfering on an individual case. They could not always legislate on individual cases of hardship.

The Earl of *Stradbroke* thought it was more than an individual case of hardship. A new construction had been put upon the tithe laws creating a demand for tithes, where it was not possible that it could ever before have been heard of. The practice of partly hoeing up the turnips to assist the sheep in getting at them had not existed more than twenty or thirty years. He thought that the Bill ought not to be postponed.

The Bill to be read a second time on Wednesday.

HOUSE OF COMMONS,

Friday, August 21, 1835.

Minutes.] Bills. Read a second time:—Customs Duties'. Read a third time:—Exchequer Bills; Fines and Recoveries Office; Spirit Licences'; and Wine Permits.

Petitions presented. By Messrs. C. Buller and Grote, from several Places, for the Repeal of the Stamp Duty on Newspapers.—By Mr. Tooke, from Truro, in favour of the Municipal Corporations' Bill.—By Mr. Aglionby, from Preston, for Amending the Factories' Regulation Act.—By Sir J. Beckett, from Leeds, and Mr. D. Gaskell, from Wakefield, against the Ecclesiastical Courts' Bill.—By Dr. Bowring and Mr. Kemp, from several Metropolitan Parishes; and from Brighton, for the Repeal of the Duty on Newspaper Stamps.—By Mr. D. Gaskell, from the Solicitors and Attornies of Wakefield, for the Repeal of the Duty on Attornies' Certificates.

Lieutenant-Colonel Fairman.] The Sergeant-at-Arms appeared at the Table, and informed the House that he had been unable to apprehend Colonel Fairman, as he had been directed to do by the House. On going to Colonel Fairman's residence for that purpose, he was told that that gentleman had left it a quarter of an hour previously. A messenger had consequently been afterwards sent to remain on the premises, for the purpose of arresting Colonel Fairman.*

Kerry Election—Intimidation.] Mr. *Scarlett* had to present a Petition, the allegations in which represented grievances, the magnitude of which, as the petitioners truly stated, were so excessive and monstrous, that the very excess of them deprived the petitioners of the ordinary remedies. The petition proceeded from the freeholders of the county of Kerry, and detailed a series of the most flagrant and persevering intimidation exercised upon them. The intimidation, they stated, consisted not only in the use of open force and violence, and in the influence of the ministers of religion over their flocks in their clerical or in their lay capacity, but in the most iniquitous perversion of the religious, or, he might rather, perhaps, describe them as the superstitious feelings of the people, to political purposes. All the allegations in the petition could be proved by the most direct and positive evidence. Part, indeed, of them, had already been proved before the Intimidation Committee. The petitioners stated, that the return of the right hon. Maurice Fitzgerald (the Knight of Kerry) was secured beyond all question, if the county had been allowed to remain tranquil; but so far was this from being permitted, a system of the most violent and iniquitous intimidation and exercise of undue influence had been resorted to for the purpose of returning Messrs. Mullins and Morgan John O'Connell, as Members for the county. The first outbreak of these illegal proceedings consisted in a speech delivered by the hon. and learned Member for Dublin, at a meeting of the Association in Dublin; at which the hon. and learned Member, after stating that he was the day after going down to the county of Kerry to oppose the Knight of Kerry, fulminated a sentence of condemnation against every man who should dare to vote for the right hon. Gentleman, that "a death's head and cross bones should be chalked on his door, to shew the people how great a miscreant dwelt there." The petitioners added, that in Ireland there were multitudes of deluded men, ready to carry into execution every and any threat that the said hon. and learned Member might think proper to give utterance to, and that any one who, after this declaration of his, should venture to vote for the Knight of Kerry, stood in danger of being murdered. The result was, that a great many persons were deterred from voting for the right hon. Gentleman, who lost his election in consequence; but subsequently, at a meeting held at Tralee, the hon. and learned Member renewed the threats just mentioned, and in addition declared that no man guided by his opinion, would deal with any tradesman who should venture to vote for the Knight of Kerry. Simultaneously with this the electors were addressed by the Roman Catholic Bishop of the diocese, in favour of Messrs. Mullins and Mr. J. O'Connell, and the Roman Catholic Priests of the county resorted to the most unjust and illegal measures to induce the electors to vote for these hon. Gentlemen. The hon. Member detailed several cases, exemplifying the manner in which the priests had been guilty of the conduct he complained of. In a great many cases the priest said "he would not prepare any of his flock for death, baptize children, or perform any of the sacred rites for them. And that, in short, they should be excommunicated, unless they voted for Mr. Mullins and Mr. Morgan John O'Connell." For gross violations of the freedom of election such as these, the petitioners prayed the House to pass some special remedy. The hon. Member also read to the House a manifesto issued at the same period, and with the same object as the proceedings he had described. The document was headed "The Patriot's Curse," and it denounced the anathema of every lover of freedom and of his country upon every one who should vote for the Knight of Kerry. "Upon the loathsome object who should so forget his duty," thundered the denunciation, "shall the slow and unmoving finger of scorn be for ever fixed." The petition was signed by nearly every Protestant freeholder in the county, and by several respectable Roman Catholics. Among the subscribers to it were several Magistrates. The petitioners stated that the whole of their allegations could be proved by the most satisfactory evidence, and that a portion of them had been fully proved before the Intimidation Committee by two witnesses, who had, in particular, completely substantiated the statements in reference to the hon. Member for Dublin's share in the proceeding. He hoped that the subject would be carefully inquired into on the part of the House, either this or next Session.

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* Col. Fairman kept out of the way till the Session was brought to a close, and no further steps were taken with regard to him.

Mr. *William Ord*, as Chairman of the Intimidation Committee, would trouble the House with a few observations in reply to the petition last presented, and to the statements made by the hon. Member, in both of which something of the nature of complaint was made against that Committee. He could assure the hon. Member that at any rate, so far as related to this case, there was no foundation for any such complaint. He might refer him in the first place to the Report of that Committee, now on the Table of the House, in which the Committee had endeavoured to show the House the character of the inquiry which they had conducted; and disclaimed on their parts any attempts which might have been made to make that Committee a receptacle for individual charges against particular persons concerned in electioneering matters; their exertions had been directed to the sifting the cases brought before them in such a manner as to make each charge stand upon absolute proof or disproof. It had been the object of the Committee to obtain evidence which might direct the House to some practical remedy (if such could be suggested), by ascertaining the nature of the system through individual Acts; by arriving, when it could, at general facts which were undisputed, and by leaving aside those which being disputed might involve the Committee, in the course of investigating them, in such a loss of time as was wholly inconsistent with the limits of the period prescribed for the inquiry, and which would, in fact, have been a deviation from the object for which the Committee was appointed. With this view, in reference to the subject of bribery, the Committee had laid aside all charges against particular individuals, and all charges which, being matters of dispute, might have involved a lengthened inquiry into them. The attention of the Committee had been directed to those towns and boroughs where the existence of bribery had been proved; and they had examined witnesses as to the mode and manner in which that bribery had been carried on. In particular, they had selected those places where such practices had been carried on by both sides, and where the witnesses of one party, while criminating the other side, were under the necessity of admitting that similar practices had prevailed on their own. One circumstance he was bound to state, in reference to the limitation of witnesses in the Kerry case—namely, that it was utterly impossible for the Committee, consistently with the rules they had laid down, and which he was sure would meet with the sanction of the House—it was quite impossible for them to go into the case of the Kerry election so long as the subject of the election itself was pending before a Committee of the House. Indeed, almost all the Irish cases were postponed by the Committee as coming under the same category. In reference to the charge which had been made against the Roman Catholic priests, a witness had been examined, named Brownrigg, who had been an agent of the stipendiary magistrates, and was now an inspector of police. This person had been commissioned by Government to make inquiries as to the intimidation by which it was alleged the priests had obtained for their candidates the votes which tenants had previously promised to give their landlords. The evidence given by this person, although it referred to the whole county of Kerry, had not been sufficient to make out the charge against the priests. The hon. Member then repeated the reasons which had induced the Committee to limit the evidence in this case, adding, that the refusal to go into it had been impartially made to both parties. This refusal had been in accordance with the unanimous opinion of the Committee, among whom was the right hon. Member for Launceston. But he must protest against what had been said by the hon. Member, that the charges contained in this Petition had been fully proved before the Committee. With regard to the allegations of the Petition, he was bound to admit that a great deal of influence, which he must characterize as undue influence, had been exercised by a class of persons which both in England and Ireland, he should like to see removed from the scene of politics—he meant the ministers of religion. Some matters were stated in the petition as facts, which tended to throw discredit on the other real or supposed grounds of complaint. For instance, the hon. Member had read with great impression and emphasis what was called "The Patriot's Curse," which had been clearly shown not to be a genuine document; its origin had been traced to some ingenious persons, who had palmed it upon *The Times* newspaper, which was generally extremely careful in the assertions it made as to matters of fact. If, on the other hand, the House was of opinion that this petition contained sufficient to induce it to institute an inquiry—not, as the petitioners prayed, to pass a law without investigation—he should have the greatest pleasure in lending his assistance, with a view of doing justice to all parties. As one statement, however, of the petitioners was utterly and entirely disproved, it was doubtful whether any number of witnesses, if they were called, could substantiate the remainder. It seemed a little incongruous that the petitioners should now be prepared to prove intimidation by witnesses who had been intimidated, when they had avowed that they would not proceed under the Grenville Act, because the witnesses could not venture to acknowledge the influence under which they had voted. If their apprehensions were now removed, the chance was, that they would be able to make out a case for inquiry hereafter. As he was convinced that Gentlemen on both sides would be anxious to speak upon this Question, he would move "That the farther Debate upon the Petition should be adjourned until Monday."

Debate adjourned.

RECORDER OF DUBLIN.] Mr. *Hume* presented a Petition from bankers, merchants, and citizens of Dublin, signed by twenty thousand names, principally directed against the right hon. Recorder of Dublin, whom he saw in his place. The immediate occasion of the petition was an alleged speech by the Recorder, but that was only a minor topic of the petition. He considered it important because it was intimately connected with the administration of justice, which ought to be free from all party feeling, and he could not discharge his duty by the petitioners without bringing the principal parts of their complaint before the House. The petition was agreed to at a numerous and respectable meeting of the inhabitants of Dublin; he would not advert to the interruption which took place, but would leave that to others if they thought proper to notice it, but he hoped that the petition, and the charges it contained, which the petitioners were ready, if permitted, to prove at the Bar, would receive all the attention which its magnitude deserved. The petitioners first stated themselves to be anxious friends of every constitutional Reform in Church and State, and added an expression of their regret that others thought the institutions of the country sufficiently pure. They went on to assert, that the Recorder of Dublin in a late speech, recorded in all the newspapers of the day, used certain expressions of which no contradiction had been given until the subject was noticed in Parliament. He cared little what was said by individuals at meetings, and did not in general think such speeches fit subjects of observation in the House of Commons; but in this instance they were the words of a judge, and indicated a disposition to deprive men of that equal justice to which they were entitled. The right hon. Gentleman stated, that "the question of the Irish Church was one of life and death, and that the supporters of the ministers in their attacks on that church, were men restless in conduct, revolutionary in politics, and infidels in religion." He was instructed by the petitioners to say, that if the House complied with the prayer of the petition, and instituted an inquiry into the manner in which the right hon. Recorder had discharged his judicial functions, they could prove all that they advanced against him; and, among other things, that he had used the words attributed to him in the Report. On a former day the right hon. Member had designated his hon. Friend, the Member for Bridport (Mr. Warburton) and himself (Mr. Hume) as well-known infidels; but he had thought it beneath him to take notice of it. The petitioners, however adverted to it, because they felt, that if such opinions were entertained and acted upon by a judge, the consequences might be most disastrous. The petitioners maintained that the first duty of a judge was to be impartial—that he ought to belong to no political party—that it was repugnant to the due execution of his high functions, and that a political judge was an evil, whether an Orangeman or a Radical. He entirely concurred with the petitioners that such language as the Recorder had used showed a strong bias on his mind, which could not fail to influence his decisions, and therefore must excite distrust and alarm in all who were brought before him. The petitioners were householders and others who might be called upon to serve upon juries, and felt themselves especially aggrieved by the expressions of the Recorder, which had a tendency to impeach their fitness: if they were designated by the judge as infidels, and deserved the designation, of course they were disqualified for the duty the law imposed upon them. He appealed to the right hon. Gentleman himself—if he could for a moment suppose himself not a judge but a juror—what he would think and say of a judge who spoke of him as an infidel? As such conduct was wholly incompatible with the well-being of the community, the petitioners, anxious for the fair and pure administration of justice, prayed the House to institute an inquiry, and to place them in a situation where they, who were ready to devote their lives to the service of the State, might obtain equal justice. It would be for the Government to say, whether such a judge should longer continue to preside in any court. It was not his fault that the right hon. Gentleman was a Member of this House, for, without meaning anything personal, he had endeavoured to introduce an Act to prevent all judges from sitting in Parliament. The House did not entertain the same opinion as himself, and he had yielded to the majority. He was right, and the majority was wrong, as had been the case upon other occasions. The learned Sergeant (Mr. Sergeant Jackson) smiled. The hon. and learned Gentleman was but a young Member; but, if he examined the proceedings of the House for the last two or three years, the hon. Member would find that there was much truth in what he had accidentally mentioned. The next point in the petition required serious attention, and he hoped that the noble Secretary for Ireland would attend to it. The petitioners were deeply aggrieved by the irregular and unsatisfactory manner in which the Recorder of Dublin performed his duties of judge, owing principally to his attendance in Parliament, where he acted as a political partizan. As long as the Recorder was allowed to sit in the House, the course of justice would be impeded in Ireland, and his Majesty's subjects would be deprived of that to which they were entitled, namely, a speedy administration of justice. He contended that his Majesty's Ministers were to blame for allowing such a state of things to continue. The petition might fairly be considered as against them, for suffering the system to remain unaltered, although it nominally complained of the conduct of the right hon. and learned Recorder. The petition stated, that the predecessor of the right hon. Gentleman sat every week; but since he had become Recorder the system had been completely altered. Whether this was so or not, was comparatively unimportant; the question was, whether a gentleman acting as a judge, should be at liberty to absent himself from his judicial business for such long periods of time as the learned Recorder was known to do, for the purpose of attending in Parliament? This occasioned delays in the administration of justice, which were most unjustly and cruelly oppressive on innocent persons, while poor persons, who were not guilty, might be committed for trial, and have their morals vitiated by the contaminating associations to be met with in a gaol. If the right hon. Gentleman could divest himself of the feelings which must be engendered by the situation in which he was placed, and if he would consider the subject dispassionately, he (Mr. Hume) was satisfied, that the learned Recorder would entertain the same opinion as himself. The petition stated, that prisoners were remanded, unheard, from month to month, and civil business was constantly being postponed, in order that the Recorder might attend to his Parliamentary duties. It was the duty of the Government to see that no inconvenience arose from a judicial functionary having a seat in Parliament; and if any did occur, it was their bounden duty to apply a remedy. The petitioners also stated, that the learned Recorder was regarded as a political partisan, and that in consequence of this all confidence of the people in the administration of justice was lost. They proceeded to observe, that all the Judges in Ireland, the Masters in Chancery, as well as other persons engaged in the administration of justice, including the Recorders of most of the corporate towns in Ireland, were excluded from Parliament. He would therefore ask the noble Lord, the Secretary for Ireland, whether a strong case had been made out to justify the exception of the Recorder of Dublin from the general rule? If the appointment of this officer rested with his Majesty's Ministers, he should say, that there was no excuse for their conduct; but it rested with the Corporation of Dublin—and such a Corporation! He recollected the character given of that Corporation by his hon. Friend, the Member for Dublin, as well as the description of it contained in the Report of the Municipal Commissioners, and he could not help feeling, that the members of such a body were most improper persons to have the selection of a Judge. The petitioners went on to say, that such a mode of election as existed with regard to this office, held out a strong temptation to men of reckless ambition to pander to party, and to promote the objects of their own personal aggrandizement. He did not mean to say, that that was the case with the Recorder. The right hon. Gentleman was a religious man, and he could not help reminding him of a passage in the Lord's Prayer, which the learned Recorder should bear in mind. It was, "Lead me not into temptation." ["*Oh, oh!*"] Did the learned Doctor deny the propriety of it? [Dr. *Nicholl*:—"Yes."] Persons had different tastes and were ready to make ample allowance for themselves, which they denied to others. It was the duty of his Majesty's Ministers to listen to the prayer of the petition, and to take some steps to remedy the evils complained of. The petition concluded with praying, that an Act might be passed to prevent any Recorder or other Judge from sitting in any future Parliament, and they suggested, that a Clause might be introduced into the Irish Municipal Corporations' Bill to this effect. He considered it to be his duty to present this petition, and he did so with great pleasure,as he fully concurred in the prayer of it. He agreed with the petitioners, that a Judge should not be placed in such a situation, that he must almost necessarily, have some political bias, and where such inducements existed as might almost unconsciously lead him away from the proper discharge of his duty. He was surprised how any Judge could take the oath which he had to take on his appointment, and afterwards follow a course of conduct which led him to the commission of acts which gave him no right to claim either the attention or respect of those to whom he had to administer justice. He trusted that the House would agree in the prayer of the petition, and allow the petitioners the opportunity of proving all the allegations contained in it.

Mr. *Shaw* said, that considering his name had been used as a mere pretext for a political movement in Dublin, out of which the present petition had arisen, and making due allowance for the party motives which had actuated it, he had not much to complain of in the petition itself, but he did feel, and he thought the House would consider, that he had reason to complain of the manner in which the hon. Member had brought it forward. He had never been afforded the opportunity of even reading the petition. The hon. Member had withheld from him the usual courtesy of a private communication that he had received it, with an offer that he might see it, a courtesy which he had never known omitted between Members of that House under similar circumstances. He (Mr. Shaw) had not even heard the name of one of the petitioners who had signed it. No doubt the hon. Member had with great pomp and parade made a public announcement in that House of his intention to present a petition making charges against the Recorder of Dublin for certain acts of his, and that of course had taken its round of all the public papers. The same announcement was repeated last night, and the petition ostentatiously postponed, and he supposed that the admirers of the hon. Gentleman, who had been reading every morning for the last fortnight of the hon. Member's achievements in sending persons to Newgate, were fully anticipating as the news of to-morrow morning's breakfast table, that the hon. Member was to try his hand on him that night, particularly as he was guilty of the high crime and misdemeanor of belonging to that minority which differed in opinion with the mild, the merciful, and exceeding just majority which, for the last few weeks, had been administering the judicial functions of that House. The petition was described as that of "the bankers, merchants, and 20,000 citizens of Dublin." As he had already said, he had neither seen the petition nor the signatures, but he was informed, that it was signed by no banker, by few persons deserving the name of merchants, and that the numbers were made up in the following manner:—Copies of the petition were sent round for the last few Saturday nights to the pay-tables of the workmen and mechanics in most of the public-houses in Dublin, where those poor people were required to sign them, and that on the following Sunday they were placed on tables at all the chapel doors, where those same persons attended, and no person was allowed to enter who did not either sign or allow somebody else for him to sign the petition. This reminded him of a case he had mentioned to the House not long since, in which a petition had been presented from pretty nearly the same parties in Dublin by the noble Lord opposite (Lord John Russell), in reference to the Dublin Commission, and where it appeared by an affidavit sent him on the subject, that the mode of signing the petition, which had been displayed at some of the chapel-doors, was, that ten or twelve boys, varying from thirteen to sixteen years of age, signed with the same pen, commencing with the first and going down to the last, and then beginning with the first again—what boys at school called "one down and the other come on," as fast as they could, for about an hour's time—an easy means certainly, of multiplying signatures. But, after all, what was the mighty charge—the sum and substance of this long-promised petition? Why, that he had made a speech, all that was objectionable in which he had already denied—and that he was both Recorder of Dublin and a Member of that House. It amounted to little more; but even to some minor points of the petition he would presently advert; first, with respect to his speech, he thought it not very courteous in the hon. Member to have read again, as having been spoken by him, words which he had before declared in that House, he had never used. All rules of evidence had recently been discarded by the House, but the only species of proof they refused to receive was that which he believed had never been questioned when the House was differently constituted—he meant the word of a Gentleman. He had, immediately after the speech was questioned, referred to several Gentlemen who had been present, and they all concurred in his recollection of it; indeed, it was possible, it was absurd, to suppose that he could have said, "that all who differed from him were Infidels in religion and Revolutionists in politics;" what he did say was, "that those, who as a party were opposed to settled Government, and the existing institutions of the country, would at all times be joined by whatever was Infidel in religion and Revolutionary in politics." [Mr. *Hume*: "It is just the same thing."] Just the same thing said the hon. Member? Now, really he could not help the hon. Gentleman's obtuseness, if he thought so. It was strange logic, that it was the same thing to say, that all that party who were opposed to you in politics were Infidels in religion, and that all who were Infidels in religion would join that party; but to help the hon. Gentleman's reasoning faculties, he would put an example: the hon. Gentleman, perhaps, thought there was no such thing as an Infidel in religion; well, he would not say there was; but he would say, that if such a thing did exist in this country as an Infidel in religion, that person, he had no doubt, would be found on the same side in politics with the hon. Member for Middlesex. In the sentiment in question, that all that were desperate in fortune and character—Infidel in their religion, and Revolutionists in their politics—would naturally throw themselves into the scale of the *Movement* party; he did not claim the merit of originality; it was spoken and written a thousand times before he was born, he had often uttered it before, he entertained it still, and, with all due deference to the hon. Member for Middlesex, he begged to assure the hon. Member, that notwithstanding he had the fear of the hon. Member and his majority before his eyes, he would, whenever the occasion suggested it as proper, express the same sentiment again. He (Mr. Shaw) would not enter upon or argue the abstract principle of whether judicial and political functions should be united, he would content himself on that point by stating, that if the principle was once decided generally against such union in any case, whether the judicial officers were subordinate or superior, and was applied retrospectively as well as prospectively, he could claim no peculiar exemption from its operation. On the other hand, he did not deny that his constituents might have just cause to complain of his frequent necessary absence from that House. He had, however, given them full notice, that he should at all times consider his judicial duties paramount to all others; that they should never be made in the slightest degree subservient to Parliamentary convenience, or influenced by any other consideration, than how they could be performed most to the public advantage; and he defied any human being to bring the colour of a proof, that he had not faithfully and strictly redeemed that pledge. Indeed, he did not collect that the petitioners even charged him with the slightest corruption, partiality, or political leaning, in the discharge of his judicial functions, and there were not twelve of his fellow-citizens of Dublin—even including the petitioners, if they were but one week separated from agitators and trades' unions—to whom he would not willingly submit that question, and abide by their decision. The petitioners, however showed their great ignorance of the business of his court when they accused him of irregularity, for he must say, that while he deserved no credit for being regular, of all other charges he was the least liable to that of irregularity; as by reference to the almanack it would be found that twelve of his sittings were there appointed at fixed periods. Any one acquainted with the practice of his Court could, by reference to them, know when the moveable ones occurred, and all he could say was, that from the moment he was in Parliament to the present, he had never varied one of those sittings for a day or an hour, and not in one single instance had he acted by deputy. It was then complained that there was a delay of justice by the sittings not being more frequent. He was sorry to detain the House by a detail of matters as to his own Court, and personal to himself, but he trusted they would allow for the jealousy which he felt of the slightest imputation on that head—and he would state his facts from the Report of the late Corporation Commissioners. When he was appointed to the office of Recorder of Dublin, in the year 1828, he found the sittings had been at intervals of about a fortnight for certain stated days, when the Court was in the habit of adjourning without ever entirely clearing off its business, and that a very large arrear had accumulated. He believed that his esteemed predecessor was disposing of it as fast as he could, and meant to adopt the same principle as had been since established, but he did not live to accomplish it. He was occupied for two years in working down, with great labour, the business he found in arrear, and from that time the present practice had been in operation, a period of more than five years, during which there had not been one case, criminal or civil, in what could be called arrear for a single hour—and now if the House would bear with him—he would shortly state to them what was the new system he had adopted, after conference with many judicial persons, all the Officers of the Court—the very Magistracy who were alleged in the petition to have disapproved of it, having given it their full approbation. He opened his Court each quarter day, as fixed by Charter, occurring in January, and the three corresponding quarter months, April, July, and October, and on each of these occasions he sat consecutively from day to day, till every case, criminal and civil was disposed of. This occupied him each quarter for nearly a month uninterruptedly, at the beginning and end of which he tried prisoners, and made gaol delivery. He then at the end of that month, having about two months between that and the next quarter, divided that intermediate period, and fixed in the centre of it an adjourned sitting for the trial of prisoners, making three gaol deliveries each quarter, or twelve in the year, at as nearly as possible equal intervals; besides this, two of the superior Judges sat in the same Court and jurisdiction six times in the year for trial of prisoners, giving in the whole eighteen gaol deliveries—considerably more, he believed, than any other Criminal Court in the United Kingdom. Some persons might possibly think more frequent sittings preferable. He (Mr. Shaw), upon the best consideration, thought otherwise as regarded the general convenience of Jurors, witnesses, and all parties concerned. Some line must be drawn. The hon. Member talked of weekly sittings; it would be better at once to give Juries in the Magisterial offices, and let them try and finally dispose of the prisoners as they were apprehended; but he thought more frequent than monthly sittings not consistent with any tribunal in the nature of a superior Court. By the present system a month was the *maximum*, a fortnight the average period of imprisonment before trial, and he considered that a shorter period would be incompatible with regularity, and the due dispatch of business. He would put that question fairly to the consideration of any learned Gentleman in the House, whatever were his politics; if his opinion were wrong, he was willing to reconsider it; but whatever it might be on the best reflection, he felt bound to act upon it. He would trouble the House no further than to say, that so long as he held a judicial office, he trusted that he should enjoy the consciousness he heretofore had, that not an hour as to his sitting, a shade in his opinion, or a syllable in his judgment, had he ever been directed or influenced by a political consideration; and he could assure the hon. Member (Mr. Hume), that while his practice had been to abstain from every political society, and even to absent himself from any meeting that could, independently of those connected with his own elections, be properly termed political, yet that he could no longer continue in a political capacity as a Member of that House, than he could deliver his political sentiments on political topics, as he ever had done, with plainess, manliness, and independence. He made no objection to the reception of the petition; considering the party excitement under which it had been got up, he only wondered it was not more violent against him personally, and considering the means resorted to to procure signatures, his only surprise was that they were not more numerous.

Mr. *O'Connell* said, that as the right hon. Gentleman had impugned the respectability of the persons who had signed the petition which had been presented by the hon. Member for Middlesex, he had looked at the signatures attached to it, and could undertake to say, that they were those of most respectable persons of all religious persuasions, most of whom—he had looked over four or five sheets—had given their places of residence. Amongst the names were those of three persons, one a Protestant and two Roman Catholics, who came under the description of bankers, for they were Directors of the Dublin Bank. He was instructed to say, that if the House should institute an inquiry, the petitioners were prepared to verify the facts stated in the petition. Any measure which had for its object the exclusion of all judicial persons from Parliament should receive his support, but he would object to any partial application of the principle.

Mr. *Ruthven* was decidedly opposed to the combination of the judicial and legislative functions. The man who acted political partisan in the Senate could not be capable of soberly, calmly, and dispassionately discharging judicial functions. The right hon. Recorder of Dublin had a voice in the making of laws which he was to administer afterwards.

Mr. *Jackson* was sorry that the House was not in possession of the history of the getting up of this petition, which he believed was of a somewhat curious nature. The hon. Member for Middlesex had let fall some words which showed that the parties to the petition had something else in view besides the legitimate object of bringing a supposed grievance under the notice of the House. The hon. Member stated that the petition had been published in all the newspapers in Dublin. Was that a decorous proceeding—was it respectful even to the House of Commons, to publish in that manner a petition which had not been presented? Such a proceeding could have been adopted only for the purpose of injuring the character of the right hon. and learned Gentleman, which, however, thank God, stood too high in public estimation both in Ireland and this country, to be seriously affected by the charges which evil-minded men might fabricate against him. The getting up of the petition was a discreditable proceeding—it was a disgraceful attempt to prejudice a political opponent. There was reason to suppose that the meeting at which the petition was agreed to was got up at the instigation of the hon. and learned Member for Dublin. If the Report contained in the paper which he held in his hand was true, Mr. Murphy, one of the hon. and learned Member's agents, stated at the meeting that he had received a letter from the hon. and learned Member, representing that the citizens of Dublin would be unworthy of protection if they did not hold a meeting on the subject of the Recorder of Dublin's conduct. The ground of the meeting was a speech alleged to have been made by the right hon. Gentleman, which he had over and over again disclaimed having uttered. What were the circumstances attending that meeting? He held in his hand a petition from a multitude of the citizens of Dublin, which he had been instructed to present to the House, and which stated that a number of respectable persons, who went to attend the meeting which was convened by public advertisement, were assaulted and cruelly wounded by a gang of coal porters, armed with bludgeons and daggers, who were hired for the purpose of driving away all persons who were supposed to be hostile to the objects of the meeting. He had also received communications from surgeons in Dublin, certifying that many of the persons who were attacked by the coal-porters were seriously wounded in various parts of their bodies. It was a petition thus got up and patronized by the very scum of society, which was represented to be the petition of the merchants, bankers, and respectable inhabitants of the city. It was said that there were respectable signatures attached to the petition; upon that point he could say nothing, because he had not seen the document; but he would venture to say, without fear of contradiction, that if free admission were allowed to any public meeting convened in Dublin to consider the right hon. Gentleman's conduct, the result would be totally different from that at which the meeting in question arrived. The right hon. Gentleman's conduct as a Judge was the theme of praise with everybody who had an opportunity of observing it. By unremitting industry he had cleared off all the arrears in his court, many of which had existed for thirteen years previously. He had practised in the right hon. Gentleman's court, and could bear testimony to his impartiality, and such was the estimation in which his judicial conduct was held in Ireland, that he was sure it would be unanimously approved of by any twelve men selected from the class of persons capable of serving as jurors. A cry had been attempted to be raised against the right hon. Gentleman, on the ground that he delayed the trial of prisoners; but no person dared to come forward and found a specific charge upon that allegation. What did the petitioners state? That "they were informed" prisoners were unnecessarily detained in gaol before trial. Who informed them so? The fact was notoriously otherwise. It appeared to him that the whole proceeding was an unjust and ungenerous mode of injuring a Parliamentary opponent.

Mr. *Harvey* said, that in justice to the hon. and learned Gentleman, it must be admitted that he conducted the business of the civil and criminal courts in Dublin in such a manner as to leave it to be wished that in the civil department, at least, his example was imitated. The evil complained of was in the system. All these inquiries tended to show that it was essential the two characters, the judicial and the political, should not be blended. He should attach no importance to the petition not being signed by the merchants and bankers of Dublin; but if 20,000 of the coal-porters and scum of the earth, alluded to by the hon. and learned Sergeant, had signed it, he should say that they were the very persons who had a right to complain, inasmuch as it was of great importance to them who presided over the criminal courts of justice. It was not your merchants who were arraigned at the criminal bar, nor your bankers; it was those men whose miseries engendered crime. He did not think the hon. and learned Gentleman was charged with delaying justice; but it was said that his attendance in the Court, and the discharge of his Parliamentary duties were incompatible. The right hon. Gentleman must feel, during his absence from the opposite benches, that one vote might have the greatest effect; then his station gave him importance in the House—he was a right hon. Member, and one of a powerful party. Conscious of all this, it was impossible to leave the House without feeling the greatest anxiety to return. Therefore, having taken his departure to attend to his judicial business in Ireland—having possessed himself of a place in the mail, and thrown himself into a steam-packet, and arrived in Dublin as hot as the steam itself, it might be imagined that he called for the calendar, not a little anxious to discover its length and see what could be deferred, frowned at the jury for their delay, and at last begged all the parties, for God's sake, to expedite the business, to allow him to return to London, and vote in the division which was to take place the day after to-morrow, otherwise he might lose the place of a Judge, or the benefit of making a speech. He hoped the rule would be applied generally of not allowing Recorders seats in Parliament. And if they were not to have Recorders in the House of Commons, he thought they ought not to have Law Judges in the House of Lords. Did not they find this, that all who had been, or who were now Judges, were the most troublesome of the politicians in the other House? He would in the same manner deal with the Bishops: let them be called on for their opinions only on matters connected with the Church. At a time when they might be required to consider in what mode they could most conveniently reform the House of Lords—one way being to increase the numbers, and swamp the majority by a liberal accession, and the other way being to decrease the numbers—it might be well worth their while to inquire whether the latter would not be a most effectual and a more convenient measure. His belief was, that if they got rid of all the Bishops and all the Law Lords, the gain to the popular party would be great numerically, and equal to what was necessary.

Sir *Henry Hardinge* always considered it to be admitted among all shades of parties, whether Catholic or Protestant, Whig, Tory, or Radical, that the hon. and learned Member for Dublin University transacted the business of his Courts in such a manner as to be a model for every Judge in the country. He should regret that the principle of excluding Judges from Parliament were adopted, because it would deprive them of the advantage of the talents of the hon. and learned Member for the Tower Hamlets (Dr. Lushington), who, on great questions of foreign policy, was universally admitted to be an eminent authority.

Mr. *O'Connell* wished to observe, understanding that it had been stated by the hon. and learned Gentleman opposite that he wrote to Dublin to induce the people to get up this petition, that the hon. and learned Gentleman was totally misinformed; he never wrote to Dublin on that subject. A meeting was in the first instance fixed to take place at the Corn-Exchange; that meeting was interrupted by a person of the name of John M'Crea, and a band of Orangemen, who obtained possession of the room two hours before the time when the meeting was appointed to be held. The consequence was, that the meeting could not be held on that occasion. He then certainly did write to a gentleman in Dublin to say, that he considered the party would be for ever disgraced if they allowed such ruffians to prevent them from holding their meeting.

THE SUPPLIES.—CONDUCT OF THE PEERS.] The *Chancellor of the Exchequer* said, that the first Order of the Day was the Consolidated Fund Bill, which stood for committal. The hon. Member for Lincoln, (Mr. E. L. Bulwer) had given notice of a motion for this evening, on the first Order of the Day being moved. He rose, however, to postpone the first Order till Friday next, therefore the hon. Gentleman would make his motion on the second Order being moved. His motive, however, for postponing the Order of the Day was, that the Militia Estimates were not voted, and he could not add the appropriation clause.

Mr. *Wilks* expressed his satisfaction that the Chancellor of the Exchequer had felt it necessary to postpone moving the appropriation clause. He thought it desirable that the adoption of that clause should be postponed until it should be known what course of proceeding was likely to be followed elsewhere.

Mr. *Hume* said, that while the three great and most important questions were pending in another place, he thought it would be highly improper in the House to pass any more money clauses. He did not wish to deny to another place the free exercise of its powers, but some discretion was required on the part of that House. He repeated, that the Members of the House of Commons, acting on behalf of the people of the country, were called on at the present crisis not to agree to any more votes of money, nor for the appropriation of that already granted. They might at last find themselves placed in a situation such as their constituents had scarcely looked for. He hoped the right hon. Gentleman would postpone his motion not till Friday next only, but for any further period that might be necessary to enable them, before they came to its consideration, to see how the public business had got on elsewhere.

Mr. *O'Connell* said, that undoubtedly the control of the public funds was a constitutional power belonging to the Commons of England. If it was found that the amelioration of the abuses existing in our institutions, and the advancement of the necessary reforms, were to be impeded, the Commons would exercise their constitutional control over the public exchequer, and would place it in the hands of those who had the confidence of the people, so as to render any perseverance in a systematic opposition to the improvements required by the people impossible. The people of England would be slaves if they submitted to such dictation. The Monarch on the throne was irresponsible, because he had his servants, and they were responsible to the people for the acts of the Government. Would it be submitted to, that 200 or 300 individuals, in no way responsible for what they did, should wield the power of obstructing this correction of abuses, and the redress of wrongs? That would be a miserable period for this country; and he only alluded to it for the purpose of expressing his opinion that the people would be successful in this struggle.

Mr. *William Ewart Gladstone* did not object to the postponement of the Order of the Day, neither did he question the power of the House to exercise its high privileges for other and ulterior objects than the mere acceleration, or suspension, of a particular part of a Bill. But he rose to say that although the House had the power of carrying into execution the threat of suspending the granting of public money for the general emergencies of the State, yet he felt in honour and conscience bound to state that there could be nothing more indiscreet—nothing more indecent—he would retract the word indecent, and say nothing more indelicate, than for a Minister of the Crown to ground his postponement of a financial Bill on the presumption of the course of conduct that another branch of the Legislature might pursue respecting certain legislative measures that were submitted to their consideration in their independent capacity; and that other branch of the Legislature was as independent as this branch of the Legislature, and as capable of exercising a sound and useful judgment. He deplored the spirit that seemed to guide the Government, and he could not sufficiently reprobate the mind that ruled the actions of these sections of various parties that whirled the Government round wthin the eddies of an all absorbing agitation. It was because the hon. Members opposite threatened to overawe the Monarchy, and the other branch of the Legislature, which was the original barrier between the usurpations of the Crown and the licentiousness of the people—it was because that it was useful, and wise, and just that both branches should harmonize and attune with each other, that he could not before really have imagined that a Minister of the Crown would act on such motives as the speeches of the hon. Member for Middlesex and the hon. Member for Dublin would seem to show influenced the conduct of the right hon. Gentleman.

The *Chancellor of the Exchequer* said, that he knew not what might be the notions of decency or delicacy which the hon. Gentleman who had just sat down might entertain for his own government, but those which he himself entertained of both the one and the other would command him to do justice to the conduct of a political opponent, and not without good ground bring against him a charge of proceeding upon unconstitutional doctrines. He thought that he had sufficiently guarded himself, except indeed to a mind that would willingly misapprehend, against such interpretation of the course which he proposed as that adopted by the hon. Gentleman. He had stated that the delay which that hon. Gentleman had ventured to characterise as indecent and indelicate, had been produced not at all by his right hon. Friends, or by that House, but, in point of fact, by the delay which had been given to the Militia Bill by the House of Lords itself. If the hon. Gentleman had been a little more conversant with the forms of Parliament, or if he had paid a little attention to the statement made, he could not have resorted to the personal attack which he had ventured to make; he must then have known, that for the Minister of the Crown to propose the appropriation clause without having had the Militia Estimates voted, would be equivalent to leaving the militia unpaid for the next twelve months, and thus to deprive his Majesty of the service of that part of his forces. He did not impute any blame to the House of Lords for the delay to which they had subjected that measure, but still it was obvious that before it was passed into a law it would be impracticable for the Government to take that step—the postponement of which was now characterised as an offence against the constitution. He had been actually obliged to resort to that postponement. The hon. Gentleman might say—why extend it till Friday—why not confine it to Monday? For this reason: the Committee up stairs for the estimate could not be moved till that measure was passed into a law; and then the report of that Committee must be made to the House; the vote of the estimate could not be made until a supply night, and it could only be after the report of the Committee of Supply that the appropriation clause could be proceeded with. Supposing then that the Militia Bill should at once be passed, the earliest day for inserting that clause in the Consolidated Fund Bill would be that which he had named. On what ground could the hon. Gentleman venture to refer to his Majesty's Government as forgetful of their duty to the Crown, or of that respect which he, for one, should always entertain for a co-ordinate branch of the Legislature? Observations might have been made, indeed, tending to connect the delay with other causes; but what had he to do with them? Had he not sufficiently guarded himself, by distinctly declaring the impossibility of proceeding more rapidly, or taking any further step until the Militia Bill should be passed? The hon. Gentleman seemed to proceed upon the supposition of a distinction between the interests of the people and the interests of the Crown; that was the true Tory doctrine, and it might well become the hon. Gentleman to advance it. The hon. Gentleman might consider that such a distinction was to be made; for his part, he could only say, that in his eyes none could exist or be recognized.

Mr. *William Ewart Gladstone* said, he was misunderstood by the right hon. the Chancellor of the Exchequer. He did not mean to draw the distinction which he referred to; neither did he now mean to enter into the ample field of disquisition relative to the duties of Ministers to the Crown and to the people on which the right hon. Gentleman dwelt with so much emphasis and so much studied energy. He begged to thank the right hon. Gentleman, however, for the ground on which he put the postponement of the Clause. He was perfectly satisfied with the explanation, and, having his assurance for its truth, he could not doubt it. If he applied unpalatable language to the right hon. Gentleman, supposing that his postponement of the Clause had reference to discussions pending in another place, and which a threatened vote of this House would be supposed to overawe, he begged, after the explanation of the right hon. Gentleman, to say that he was entirely content. It was his pleasure, as well as it was his duty, to retract that language as regarded the right hon. Gentleman. However, he did not retract the language as referring to the sentiments that he heard uttered on the other side of the House, and now he would transfer it from the right hon. Gentleman to the two hon. Members opposite (Mr. Hume and Mr. O'Connell), for they had advanced atrocious and dangerous doctrines, tending to upset all freedom and independence of action in the other branch of the Legislature, which had as sound a constitutional right of judgment as that House.

Mr. *O'Connell* accepted the transfer, and returned it with much contempt for the hon. Member's argument. It was a doctrine slavish in the extreme which had dictated such remarks as those of the hon. Gentleman.

Mr. *Hume* said, he would not accept the transfer—because the opinions of the hon. Gentleman showed his ignorance. He spoke as if Ministers had only one duty to perform. Well, he thought so. He might think one party only, the Crown, was to be considered. But there was another party, the people, who could not be overlooked, for they would not suffer themselves to be overlooked. The two parties, the King and the people, had each separate privileges, though they had only united interests, and it was the duty of the Government and the House to guard both. Both Houses of Parliament were free to act as they pleased, each in its own sphere; but the people of England would take care that each should act according to the rules of justice and the calls of public interest, and that one should not check the good intentions of the other. The other House must not mar the measures of the Commons, else they might rue it. The measures which he and his right hon. Friend, the Chancellor of the Exchequer would advocate, might not be very palateable to the hon. Gentleman and his friends, for they only wanted to get the public money, and a pretty use they made of it when they got it. He was sorry the Parliament was so short, else he would take care to check the abuses of public patronage. If Ministers would take the advice of their friends in Parliament. They would not be in haste to make grants of public money till they saw how the measures on which the people had set their hearts were to be disposed of by the other and irresponsible branch of the Legislature. Were the millions of England to be led by a few individuals? Let the people of England but speak out, and then the other House might take what course they pleased.

Mr. *Wilks* would venture to state that the inhabitants of the British Empire would be more satisfied with the conversation of that night than they would have been with a long debate upon any other subject; they would be highly satisfied with the constitutional tone and language of his Majesty's Ministers. If such a course of events were to be brought about as that supposed to be intended on the part of the other House of Parliament, it would be indeed a matter of regret to hon. Members that they had been only occupied in imposing new burdens on the people, and not at all in redressing their grievances.

Mr. *Randall Plunkett* said, that the right hon. Gentleman the Chancellor of the Exchequer had given his explanation in a tone which he, during the short time he had been in Parliament, had never heard that right hon. Gentleman assume before. That right hon. Gentleman had spoken of the Tory doctrines of Members on his (Mr. Plunkett's) side of the House. Now, it was one of their Tory doctrines that each branch of the Legislature was independent, to judge and decide as it might think proper on every question brought before it, unbiassed by the opinion of other parties; but, at all events, bowing only to the majesty of the people—to the deliberate opinion of the free people of this empire, one of whose chief rights it was to have the opportunity, when accused, of defending themselves. Such was the opinion entertained by Gentlemen on this side of the House, and he felt convinced that none of them, who had lately held office with so much honour, would ever induced to accept office for the mere purpose of holding the public purse, or any of those petty gains which power might enable them to get, but for obtaining which in an improper way they would be punished by the eternal pangs of conscience. There did appear at first something extraordinary in the postponement of the appropriation clause, and because a young Member like himself got up to notice the circumstance, the right hon. the Chancellor of the Exchequer was not justified in censuring him in the manner he had done. He was ready to admit, however, that the right hon. Gentleman had given satisfactory reasons for the postponement of the appropriation clause.

Mr. *Charles Buller* sympathised in the warmth which his right hon. Friend had displayed in defending himself from the imputations which had been cast upon his motives. His right hon. Friend had stated a ground for the delay in question; another ground had been put forward by the hon. Member for Middlesex, and the hon. Gentleman opposite at once proceeded to "transfer"—to use his own expression—the latter ground to the account of his right hon. Friend. As an old Member of Parliament compared to the two young Members who had spoken, he would make one recommendation to the hon. Gentleman, the Member for Newark—namely, before he made a violent attack on a political adversary, he should carefully attend to what that adversary said. As to the transfer of the charge to the hon. Member for Middlesex and others—he himself must come in for a share of it; for he did think that if ever there was an occasion on which the House was called upon to exercise with due deliberation the power which their ancestors had placed in their hands—of deciding whether they would place the public money in the possession of improper persons, and to protect the rights of the people from those by whom they were insolently invaded, it was the present. He repeated that they were called upon to consider well, before they granted money out of the public purse, whether they would place it in the hands of those who would spurn the prayers and wishes of the people. The hon. Gentleman opposite, with that tender Tory conscience of which he seemed to boast, wished to have it thought that he despised the possession of the public purse. The true representatives of the people would not despise it, because they knew it to be the safeguard of the people's liberties; and that House would be the traitors to those liberties if they allowed it unadvisedly to leave their hands.

Mr. *Ewart* said, that judging from the petitions presented to the House, the people of England must also come in for a share of the "transfer" spoken of. The House was now called upon to use the means which had been placed at their disposal for the protection of the people; and in exercising it, they would show themselves the real friends and steady advocates of the prerogative of the Crown. It was their first duty to advise the King and the other branch of the Legislature, of what were the real feelings of the people; the moment they ceased to do so, they abandoned their duty to the people and the Crown.

Mr. *Tooke* said, that the important conversation which had now taken place, was the most satisfactory answer that could be given to a petition which he had presented in the early part of the evening; it spoke volumes, in a language not to be misunderstood, and showed that that House, in the undoubted exercise of its privileges, would not bestow the public funds, over which it was the guardian, until those objects had been obtained which the interests of the country loudly called for. He, for one, should withhold his assent to the appropriation of the Supplies until the wishes of the people on the subject of Municipal Reform had been satisfied.

Dr. *Bowring*, as a Representative of Scotland, wished it to be understood that the people of that country, so far as he was acquainted with their opinions, would not willingly see the money of the people intrusted to hands in which they had no confidence.

Mr. *Thomas Attwood* thought, it most important that the House of Lords should not be deceived as to the opinions and determinations of the people of England, and should fully understand that they could not trample upon that people. He had but recently come from a meeting in the country, which had been attended by 10,000 individuals. He felt sure that it would not be safe for that House to oppose their feelings and opinions. It had even been observed at that meeting, that under the present march of education and diffusion of knowledge, the time would soon approach when the country would need neither House of Lords nor a King, and the shout with which that sentiment had been received by those 10,000 men, had almost brought the roof under which they were assembled, about his ears.

Mr. *Twiss* had hoped, that after the explanation of the Chancellor of the Exchequer, the debate would be brought to a close. But when he heard the speeches of the Members opposite, especially the speeches of the Members for Middlesex and Birmingham, he was not sorry that it was protracted, because he was anxious to see to what extent the speculations of the innovators on our settled form of Government—on the institutions of the country—those institutions that had existed for ages and ministered to the renown and happiness of England in peace and war—would be carried in that House. He wished an extension of the debate in order to elicit a development of the scheme—not of Revolution, for that word might call forth a check and a contradiction, and he wished to avoid the jars of controversy—but of the principle of innovation and overthrow that was wafted over the nation on the wings of Ministerial influence. [*"Hear, hear."*] The speech of the Member for Birmingham was no doubt a fair index—and the echoing cheers of the Ministerial benches showed that it was—of the sort of theories and practice of those who propped up this fragile and limping Administration—those who paraded sinewy power for moral force, and by numbers meant to bear down rank, and talent, and virtue, and loyalty. If Ministers, having listened to the statement of the hon. Member for Birmingham, and to his approval of the facts he mentioned, deigned to uphold themselves in office by instruments and means of such a nature

—he would not venture to characterise them—then it was high time the nation should be put upon its guard, and that the loyalty of the people should be summoned to resist principles that were dangerous, and doctrines that were misguiding. [*"Oh, oh," from the Ministerial benches.*] Did hon. Gentlemen opposite intend to put him down by faction and clamour? They could not. He stood there backed only by seven, and the opposite side possessed a powerful majority. To show the sort of league the Government entered into with the hon. Member for Birmingham, and the results that would flow from it, he would quote a passage from a speech of his in that House, and in doing this he would judge of the character of the present Government who consorted with him. It was a good old maxim—"I judge of you by your fellows." The hon. Member said, "The Government had better take care how they proceed. They had arrayed against them the aristocracy, the clergy, the gentry, and the great fundholders?—their only support must be in the virtuous people." Now, what virtue could there be in the remainder of the population, after the abstraction of the aristocracy, the gentry, the clergy, and the great fundholders? It had been boasted, that the people required the enactment of this and that measure, and desired to control the functions of one branch of the Legislature. He was the advocate of the people in this case. He was sure there was too right-minded and fine-spirited a sense of nobleness and justice among them to be cajoled by the mischievous and dishonest devices of these volunteer demagogues. He was sure they would awake from the narcotic effects of the draughts of political poison, that selfish speculators, both in a high and low station, administered to them. Dangerous theorists, in propounding every wild innovation, boasted that the people were with them; but the people had stood to the institutions of the country before; and the old loyal British spirit reviving, they would stand to them again.

Lord *John Russell* said, it is certainly not my intention to answer the hon. Gentleman who has just sat down, because I consider his speech as little else than a second attempt to enter on that debate which the hon. Member near him (Mr. Plunkett) so indiscreetly and unwisely endeavoured to provoke. The simple question, which my right hon. Friend stated in terms as plain and distinct as those in which any proposition could be submitted, was that the House, having only just received the Amendments made by the Lords, in the Bill for the Militia, it was necessary to bring forward the Militia Estimates; and until these Estimates were agreed to, it would be impossible that the appropriation of the Supplies of the year (the Act for voting which was placed on the Notice-book for this evening) could be determined. On that simple statement the hon. Member for Newark thought fit to raise up an accusation against the Ministers of the Crown, and to charge them with conduct which was indecent and indelicate—to charge them with not doing their duty to their Sovereign, and putting off a Bill which ought to be now immediately considered. It is quite true that these expressions of opinions have been withdrawn; but I am not surprised that when accusations of this kind are made, and when they are followed up by what I think was not withdrawn, a dictation to this House with regard to the Question of Supplies—namely, to tell this House, that it was not for them to decide whether they ought to be voted, but that the hon. Gentleman opposite had a right to lay down the certain times and periods at which the Supplies should be made complete—I say, when speeches of this kind are made, comprehending in the first place an accusation which was proved to be totally unfounded against the Ministers of the Crown, and which a single minute's attention would have prevented, and when they contain, in the second place, what was very like a rebuke to the House, by declaring when and how the House of Commons should vote the Supplies—I repeat, when language of such a description is used, I am not astonished that it should excite not a little of angry discussion. For my own part, I can only say, if there is any course which I have advised this House to take, I have recommended them to do so consistently both with our duty to the Crown, and with our duty to the people. We are the servants of the Crown; we are at the same time the Representatives of the people. I think that these interests can be combined, and with that conviction impressed on my mind, I will not listen to the hon. Gentleman (Mr. Twiss) whose sentiments respecting the middle classes may be still in the recollection of some who hear me, when he delivers a lecture on the subject of what the people really are, what are the opinions of the people, and as to who are those who misrepresent the sentiments of the people. I hold no other doctrine than this—that I think we are here to represent the people, and to consult the people's interest. I do not impute it as a fault to the other branch of the Legislature, that when legislative measures come before them, they propose such alterations in those measures as they consider proper and consistent with their duty; but I do say, with respect to these legislative measures, and with respect to the voting the Supplies of money to the Crown, that this House is in full possession of all the powers which any House of Commons ever had. It is not for them (and I should be very sorry to find them doing so) to enter into any debates or discussions in which the independent rights, either of the Crown or the House of Lords should be impugned; but on the other hand I am not ready (and I will not submit to do so from any imputation which may be thrown out on the other side) to give up one single iota of the powers which are considered the undoubted and indefeasible rights of the House of Commons—to provide such laws as they think are necessary for the redress of grievances, and to vote such Supplies as they may think in their consciences are best calculated to maintain the honour of the Crown, and to preserve the great interests of the country. I state my opinions on this subject openly; these opinions are not changed from what they have been. I have been favourable to measures of Reform; I am still favourable to measures of Reform; but I am not responsible undoubtedly for the opinions of those with whom I may be found in a division. In some of those opinions they may differ from me; but I must say, that believing them to be anxious to act in such a way as they think to be their duty to their constituents, I am persuaded that the support which they have given to his Majesty's Ministers is as independent and honest as any that was ever given to any Ministry. I am not disposed, I repeat, to hold myself answerable for every opinion which may be expressed by those hon. Members in this House, or elsewhere; but, on the other hand, I do not hesitate to accept their support as tendered upon honest and conscientious grounds—a support which could not be bought by any corrupt means; and I feel convinced that if they do not withhold that support from us for the future, it will only be because they believe that we are endeavouring to do our best, to serve the interests of the people.

Mr. *Twiss* said, that he had not interrupted the noble Lord, though he should have been justified in doing so on the ground of misrepresentation. The mistake into which the noble Lord had now fallen was the same as that which was committed by Lord Althorp during the discussion on the Reform Bill. The opinions which he expressed upon that occasion with respect to the middle classes, were misconceived by the noble Lord (Lord Althorp), as he (Mr. Twiss) had proved. He was surprised therefore to hear this misrepresentation repeated.

Lord *John Russell* was extremely sorry to have misrepresented the hon. Gentleman; but his impression of what had occurred on the occasion alluded to was such as he had stated.

Sir *Edward Codrington* begged to return his Majesty's Ministers thanks for the expression of constitutional doctrines which they had that night given. It was because he was an ardent admirer of our present form of Government, that he was desirous that the just expectations of the people should be granted, and he was quite sure that if they were not, serious consequences would result to that Constitution.

Dr. *Baldwin* took that opportunity of saying, that a petition, agreed to at a most numerous and respectable meeting in the city of Cork, had been presented to the House of Lords, praying that they would pass the Municipal Reform Bill as it was sent up from the Commons, without any alteration in its main principles. It was well known that Cork was the second city in point of wealth and independence in Ireland, and he had mentioned the fact of such a petition having been agreed to in that city, to show that the strongest interest was felt in the fate of this measure amongst the people of Ireland as well as those of England. He conceived that the sentiments of the hon. Member for Birmingham had been grossly misrepresented on the other side, for he understood his argument to be, that the people were not inclined to sweep away any branch of the Legislature until they found that its preservation was wholly incompatible with the maintenance of their rights and liberties. He, for one, had no hesitation in declaring, that he would not consent to the Appropriation Act being passed, or the Supplies being voted to his Majesty's Ministers, until he saw strong grounds for believing that the grievances of the people would be effectually redressed. What was the state of things now before him? A Government was in power in whom the people had confidence—a Ministry which had established a further claim to the gratitude of the country by the constitutional doctrines which they had that night propounded. They were opposed by a faction by whom they might, as they were heretofore, be defeated; but whilst he would not then say, where the manifestation of the opinions of that faction were most clearly exhibited, or where their strong-hold existed, he could not help expressing his unwillingness to vote those Supplies which might be diverted from their legitimate objects, and turned to the advantage of that band by whom the people had been plundered and oppressed. It was his fixed resolution to remain there to contend for the liberty of the people; and whilst that was in danger, he should never consent to vote the Supplies.

Order of the Day for a Committee on the Consolidated Fund.

Bill postponed.

NEWSPAPER STAMP DUTIES.] On the Order of the Day for the third reading of the Spirit Licences' Bill,

Mr. *Edward Lytton Bulwer* rose to submit a Motion to the House for the repeal of the Stamp-duties on Newspapers. The hon. Member said:—Sir, I can assure the right hon. Gentleman, that I am exceedingly glad of the delay that has taken place in the bringing forward of this Motion. I am exceedingly rejoiced at the conversation which has just taken place, and which, I am satisfied, will be hailed with the greatest pleasure by the country. I am also glad that my Motion has been delayed, until so many and so respectably-signed petitions have been presented in favour of it. The present Motion is not a novel one, as on two former occasions a similar one has been brought forward, and therefore I can assure the House, that I will not occupy its time for more than a few moments. I am sure the right hon. Gentleman (the Chancellor of the Exchequer) will acquit me of the least desire to embarrass the Government. I have supported the Ministers out of power, humbly, zealously, but disinterestedly; but I support them with still greater pleasure now that they are in power, because hitherto they have nobly justified the grounds on which I desired their restoration to office, and never, I believe, more than by their speeches of this evening. That considerable excitement prevails upon this subject throughout the country, it is in vain to deny. I will appeal to the Member of any manufacturing town, and ask him if the Repeal of the Taxes on Knowledge is not one of the most popular demands among his constituents? I have looked at the Report of the Select Committee on Public Petitions, and I find that the number of petitions presented upon this subject, during the present Session, greatly exceed the number in favour of Municipal Reform, and are double the number praying for the abolition of tithes. More, in fact, have been presented praying for the repeal of this, than have been presented for the repeal of any other tax. The right hon. the Chancellor of the Exchequer said the other day with great propriety and great eloquence, that he would not consent to purchase popularity upon false and unreal grounds; but I would ask the right hon. Gentleman one question—What has made the real, lasting, and merited popularity of the present Government? Has it not arisen from their consistent advocacy of liberty of opinion? In Catholic Emancipation—the repeal of the Test and Corporation Acts, in Parliamentary and Municipal Reform Bills? This has been the main principle of their policy, and it has had its reward. Is it, therefore, on unreal grounds that I ask of my right hon. Friend to repeal this tax. The Ministers have given voice to opinion, and that voice has supported the power which created it. All I ask of my right hon. Friend is, to give the same liberty of opinion to writing, which he and those associated with him have obtained their influence and reputation by giving to speech and action. The whole expression of public opinion, in a periodical shape, is at present confined to the narrowest oligarchy that ever disgraced a free country. No man can publish a newspaper—that is, no man can write periodically upon the news of the day, or the debates in Parliament, or any domestic or foreign affairs—without paying fourpence upon every sheet in the shape of a tax. The result is, that the legal market is altogether confined to great capitalists, and exclusive monopolists, while a large and cheap market is opened to smugglers. I am aware that if you take away the whole duty, papers such as the *Times* will still require an immense capital, but still a number of payers, upon a thousand subjects interesting to the great bulk of the population, will be published, which will not require so much capital. It is perfectly absurd to see only five or six morning papers for the active, thoughtful, and stirring population of this country. This is not the case in America, where a single district supports as many morning and evening papers as the whole of England. But I need only refer to England itself to show the operation of this tax. In 1792 there were thirteen morning and twenty evening papers published in London—although at that time the population numerically must have been much less, and the reading population not one half what it is at present. It is absurd to talk about the liberty of the Press in England so long as the taxes on knowledge continue as at present—it is in vain to make holyday speeches about it saying, "it is the very air we breathe, and if we have it not, we perish," when the Press is the only means of expressing the opinions of which the condition is a large capital and the result a severe monopoly. It has been urged that if the newspaper Press is rendered cheap, it will become bad and worthless, and that if the market is widened, the commodity will be deteriorated. Why, if this argument were used as to any other article of trade a man would be set down as an idiot. If a dozen persons only were allowed to sell spectacles, and a proposition was made to allow every person to sell them, would not the statesman who told you that in that case spectacles would be good for nothing, deserve to be laughed at? The analogy holds good with every thing—the greater the competition the greater the chance of excellence, and the wider the market, the better the commodity. But this truth obtains more with respect to literature than any thing else. Does the history of literature tell you that a man writes well in proportion as he is wealthy, and that the extent of his knowledge or genius is in proportion to his stock in the three per cents? I am afraid you will find that the reverse is the fact. If a tax of 200 per cent, which is that now imposed upon newspapers, were placed upon any other species of literature, it would long since have put an extinguisher upon all the best literature in the country. What extinguished the *Spectator*?—was it not the tax of one penny?—The eloquence of Addison and the wit of Steele, could not make head against a penny tax. How many *Spectators* in politics equally talented may you not have extinguished by a tax of four times the amount? I will ask my right hon. Friend what difference is there between political periodical writing and any other writing? Are they not subject to the same laws—created by the same intellect—influenced by the same competition, and improved by the same causes. There is only this difference between them, that political, and particularly periodical political writing, is much more generally useful and important than any other description. If I was a poor man, and that I had not read the *Rambler*, or the *Spectator*, or *Shakespeare*, or *Milton*, I do not well see how I should stand a greater chance of being imprisoned, or transported, or hanged. But were I a poor man and did not read the newspapers—if I did not know what new laws were passed surrounding me with punishments—if I did not know what was legal and what was illegal—I should be liable to suffer through ignorance, and thus this tax of fourpence which keeps numbers of persons from obtaining the more useful knowledge, subjects them to crime, and exposes them to the gallows. I can compare the system to nothing but the monstrous tyranny of shutting men up in a dark room, and declaring that they shall be severely punished if they stumble against the numerous obstacles by which they are surrounded. I confess I do not share in the feelings entertained by some hon. Members against the present newspaper Press. Where a great power exists it is sometimes abused, but the wonder appears to me to be that its powers have been so seldom abused. I hope I have shown that I am above the meanness of flattering or fawning upon this formidable engine of praise or censure, by having been the first person to bring forward a substantive Motion for the Repeal of the existing monopoly; and, therefore, it is, that I think I may be allowed to bear witness to the talent, respectability, character, and accomplished education of the great mass of the gentlemen connected with the periodical Press. I use this, not as a compliment, but as an argument, in favour of my Motion. It is precisely because the Press is thus able and excellent that we ought to extend its advantages as widely as possible. Can any one suppose that these gentlemen will write worse when they have a larger community to address? But it is said, "if they write for the multitude they must pander to their base passions." Whoever makes that assertion knows very little about the multitude. Look at the papers which please the great mass of the people, and you will find articles on science, trade, education, the steam-engine, and matters which would appear tedious to us. They do not desire their bad passions to be aroused—they seek to have their minds enlightened. They live by labour and seek to know how that labour may be best directed. I am afraid it is we—the idle rich —"the lords of luxury and ease," who require a false and meretricious excitement—who alone support the disgraces of the Press —who encourage the slander and scandal, the venom and frivolity, which were first wrought into sundry libels, not by a radical journal, not by a heartless demagogue print, but by a paper professing a hatred of democratic principles and dignifying by its support the Tory cause. It pretends to furnish the gossip of the Court, and the tittle tattle of the aristocracy. If you look at the large Newspapers which circulate among the great mass of the people, you will find in them the most varied information, the most argumentative writing, and a great freedom from private calumny, vulgar slander, and personal abuse. But it may be said—If you make the Press free, many dangerous and revolutionary political doctrines may be published. Doubtless, there will be, as now, doctrines of all sorts —the good and the bad? But who is to decide what is good and what bad? Some hon. Members on the other side of the House tell us that the doctrines of the present Government are revolutionary and dangerous; whereas, from what I have heard this very night, if I were asked what doctrines were most likely to weaken the just influence of the Crown, separate the different classes, incense the people, and produce and hasten the course of revolution —I should say that it was the doctrine of the Conservatives. Who then shall decide the question as to what is good and what is bad—what is useful, and what is revolutionary? None can do so: scarcely time itself can decide it. In the words of an able writer—"Truth requires no inscription to distinguish it from darkness; and all that Truth wants is the liberty of expression." Has not the terror of the propagation of dangerous doctrines been used against the progress of enlightenment? Is it not for this that censors have been placed upon books, and inquisitors upon opinions? What effect have these prosecutions produced? The French Court prohibited the works of Voltaire, and Voltaire became at once endowed with the power to shake old opinion to its centre. Geneva burnt the Social Contract of Rousseau, and out of its ashes arose the phœnix of its influence. Tom Paine had not sold ten copies of his notorious work, when the English Government thought fit to prosecute him, and within a week from that period there were sold 30,000 copies. Government never has prevented, and never can prevent, the propagation of dangerous doctrines by prohibitions, either in the shape of a tax or a law—the only effect of persecution is to render the doctrines more dangerous and the people more eager to learn it. If I want a new proof of the truth of this argument, do I not find it in the very tax I ask you to repeal? For how many years have you been endeavouring to put down the unstamped Press, whose doctrines are alleged to be dangerous, and for how many years has it enjoyed impunity, and deluged every manufacturing town? The market has been literally overstocked with its productions. If you were to repeal the whole tax to-morrow, there would not be a single new publication of these dangerous inflammatory doctrines, for during the last seven or eight years every one who wished to publish them has done so with impunity. By the imposition of the tax upon the more respectable class, you have prevented any reply to these dangerous publications. You have given up the field to those who have sown it with noxious weeds, and prevented the good husbandman from labouring in it. You are now at last embarked in an obstinate war with the unstamped Press—a war in which I am sure you will not succeed. I ask the right hon. Gentleman, does he think for a moment that he can succeed so long as the tax is 200 per cent upon the article smuggled? My right hon. Friend is aware, better than myself, that the only way to diminish smuggling, where it has risen to an enormous height, is to reduce the tax, and that is what I now urge upon my right hon. Friend. I do not ask a total repeal, but only a reduction to one penny. By this reduction, I think, a very great advantage will be gained. We shall materially extend the advantages of knowledge, without in the least diminishing the amount of revenue. The Stamp duty at present produces (after allowing for the discount) three pence and a fraction upon each paper; and if it were reduced to one penny, we should require only three times the present number of papers to be sold to replace the loss suffered by the revenue. Does not every man acquainted with the habits of the working classes know—does not every man who is aware of their extraordinary desire for knowledge, scientific and political, feel that we should then have three times as many papers published as at present? Besides, my right hon. Friend having made this concession, would then be justified in coming down to this House, and demanding new and more efficient laws for the suppression of smuggling—the result of which would bring all, or nearly all the slippery fish that at present creep out of the meshes, into my right hon. Friend's net. In addition to the increased circulation, there would be the increased advertisement duty, and the increased paper duty; so that without being at all sanguine, I say that the revenue would not, by any means, be a loser. Suppose the Stamp Duty reduced, as I have proposed, to one penny, such papers as the *Times* and *Chronicle* and the *Herald*, which require a large capital, would not be able to sell for less than fourpence. But new papers not requiring so large a capital would be called into existence — papers partly literary, and containing the news of the day—half scientific and half commercial, which would thus attract many readers. Above all, many religious publications would be called into existence, supported by different religious societies, and coming forth two or three times a week. Thus a new class of periodicals would be called into existence, and all productive to the revenue in three ways—by the Stamp Duty, the Advertisement Duty, and the Paper Duty. It was stated in a periodical, a short time since, that if the whole duty were taken off, ten times as many papers would be published as at present; and, therefore, with only a tax of a penny, I have a right to assume that three times as many would be published. The amount of a penny tax upon three times the present number of sheets, would be 400,000*l.* I greatly underrate the Paper Duty if I take the increase at 30,000*l.*, and the increased Advertisement Duty at 20,000*l.*, making a total of 450,000*l.*, which equals the sum produced by the present fourpenny tax. The increased Paper Duty I have greatly underrated, as a high duty diminishes the profit and the sale to a very considerable extent. In a calculation made respecting the *Penny Magazine*, it has been shown that if a tax of one penny was imposed, the sale would be decreased one-tenth, and comparing the increased duty on the stamp with the loss of revenue on the paper, it has been clearly ascertained that the Exchequer would lose, on that paper alone, 400*l.* a-year. Apply this argument generally, and you will see how much the revenue loses by the present high rate of duty. The system has robbed the revenue on the one hand of more than it has paid into it on the other. I shall not detain the House much longer; but, before I conclude, I must say, that the present Government owes something to the provincial Press; and, with few exceptions, the Provincial Press has petitioned for some relief. The provincial Press has supported the Government nobly, and without its assistance I doubt much if any liberal Government could have made head against the determined and vehement attacks of three morning papers of great circulation and influence. Yet the provincial papers are cramped in their exertions, and limited in their power, by the audience they address being narrowed and limited by the Stamp Duty. You owe something also to those who, adopting opinions more (I should say) determined and dreaded than your own have yet supported you frankly and generously. The panegyric which my right hon. Friend has to-night pronounced upon that class who, professing these opinions, have yet compromised them to a certain extent, and given to the Government their independent and undivided support, is another argument in favour of my Motion; for there is no concession which will be looked upon as a greater boon, nor none which will be repaid more largely and generously by the party who, whether in praise or blame, are called the Radical party, than a concession upon this point. If any body of men have ever acted from the purest public motives, patriotically and disinterestedly, I believe it is that party, and, therefore, I do say that my right hon. Friend owes them some concession. The last argument I shall use is, that the Government owe it to themselves and to their own consistency, to make some concession to the Press. They will not in such a case be sacrificing their own opinions to please a great body of the public, and of their supporters—they will be merely following up those sentiments which they have expressed on former occasions. There are few now on the Treasury Bench who have not, on some former occasion, expressed themselves favourable to the measure. The right hon. the President of the Board of Trade, the noble Lord, the Secretary for Ireland, the right hon. the Chancellor of the Exchequer, and even his Majesty's present Attorney-General have given dignity to the question by their acknowledged affection to its principle. I have the greatest confidence, therefore, in the present Government, and I hope upon this question, as upon all others, I shall live to see them faithful to the great principle of Reform, which proportions power to intelligence, and which, while it renders the Constitution more popular prevents the danger by rendering the people more enlightened. So strong is my reliance upon the objects and intentions of the present Government, that I am satisfied the more widely their sentiments are diffused and known, the more generally will they be approved. I regret to see them shut themselves out from half the national enthusiasm, and half the popular support which would be theirs, were the laws they enact, and the principles they advocate, brought cheaply, easily, and familiarly before that great class of the community for whose benefit they have laboured, and in whose cause they have won their most imperishable renown. It is with this hope that I now move that the House do resolve itself into a Committee of the whole House, to consider the question that, for the more general diffusion of knowledge, it is expedient that the Stamp Duty on Newspapers be reduced to one penny.

Mr. *Hume:* I rise, Sir, to second the Motion of the hon. Member with very great pleasure. My opinions upon this subject are so well known to the House and the country generally, that it is scarcely necessary for me to repeat them, and there is little danger of their being misunderstood. I shall merely observe that the arguments of my hon. Friend appear to me so convincing, that I cannot but hope they will have due weight with the Chancellor of the Exchequer. If his Majesty's Government, after the declaration of this night, believe that we have given them our sincere and honest support, I ask of them to grant us but this one boon; I do not ask it for their own sakes, or for their own advantage, but as a boon to the country that has so magnanimously supported them; and even if they differ a little from us upon this question, let them, as we have done, sacrifice a little of their opinions, to reward those who have stood by them in the struggle. I do not recollect the exact number of petitions which have been presented upon this subject; but I believe there is scarce a large town in England that has not appeared by petition at the Bar of the House, and given expression to its wishes for the repeal of this tax. Why, Sir, all the parties who had supported his Majesty's Government, from 1830 up to the present moment, and enabled them to carry through the important reforms projected by them, are deeply interested in this question. The people are asking in every quarter, who are the persons who have imposed these taxes that have kept us in darkness? Who are those who have shackled the press, and what objects have they had in view in so doing? Sir, the people are able to see pretty well what these objects are. The right hon. Gentleman and the Government are relieving the people of Ireland from the pressure of taxation; and surely the time has come when something ought to be done for the millions of this country: let the Government, then, give them this cheap knowledge, and they will confer upon the country one of the greatest boons possible. I say, therefore, to my hon. Friends who are below me, I speak to them as one most anxious to keep them in the situation they are now in, I call upon them not to throw away the millions of people who are anxious to give them every support. Let them do this, reduce the stamp duties, and they may laugh to scorn the opposition of those who are now on the other side. Ministers were carried into office on the shoulders of the people, because they were thought to be anxious for the welfare of the people. Then, let them give this boon to the people, and their support will not only be continued, but so much increased as to enable them to put aside the opposition going on, either in this House or in any other place. Let the right hon. Gentlemen at once then abrogate those laws which they should remember were imposed by their opponents and the enemies of the people. It cannot surely afford these Gentlemen any satisfaction to know that 511 persons have been imprisoned by them.—[The *Chancellor of the Exchequer:* "Not by the Government."]—I do not care, Sir, whether the law is put in force by the Government or by common informers, but the fact is, as I have stated, that from the time they came into office up to March, 1834, no less than 511 persons have suffered imprisonment for a breach of these laws. Let the right hon. Gentleman, the Chancellor of the Exchequer, make a trial of this plan. I must say that the recommendation now before the House does not go to the full extent of my wishes. I would have these laws entirely done away with, and the Press entirely free. But, Sir, I am willing, if any compromise could be made, to take any part of the good which I can get. I, however, would prefer to see newspapers without any stamp, and a small postage charged upon their transmission into the country. I give this advice most sincerely; and if, upon a late occasion, I expressed myself too warmly, in speaking of my hon. Friends below me, it was merely because I was most anxious to drive them forward in that course which I considered would be for their good. I speak strongly, because I know that I am speaking on behalf of the millions of my fellow-countrymen.

The *Chancellor of the Exchequer* said—Undoubtedly, Sir, I do not rise for the purpose of complaining of the Motion of my hon. Friend, or of the speeches in which the question has been brought forward, but for the purpose of returning thanks to my hon. Friends for the observations they have made so favourable to us, and for the calm and temperate mode in which they have approached the subject. I do not complain of the Motion itself, although I will take the liberty of praying the House not at the present moment to agree to it. I do not complain of the subject having been brought forward; it is fitting that it should be discussed, and that upon the principle which was opened by my hon. Friend (Mr. Bulwer). It is gratifying to me also that it has now been brought forward, because upon this subject I have been much misrepresented. On the one hand, it has been said that I have broken pledges which I have given for the total repeal of these duties, while, on the other hand, I have been represented as being a stickler for them, and totally opposed to their repeal. I will not now stop to justify myself, but I will say before this House, that the one accusation is as false as the other. Passing on to the Motion, Sir, I shall deal with it fully, fairly, and with all the respect that is due to the spirit in which it has been brought forward. I consider it one of the greatest mistakes that can be entertained, both in point of reason and in fact, to assume that the cause of sound political information and the character of the Press are to be kept up by a tax. I think that neither one nor the other requires it. It is not by the means of a stamp-duty that either can be maintained. The character of a press depends upon the character of the people, and he who supposes that a moral press is to be procured, if I may so speak, by the instrumentality of a stamp-duty, commits an egregious error in point of principle. I do not defend the tax. I repudiate it as to any protection it may be supposed to afford to the diffusion of political information and of sound knowledge. When I come to show the evils which arise from high duties on the Press, I bring to my aid evidence which is not open to suspicion upon the subject, I lay before the House the character given to the unstamped press by Lord Brougham, in his evidence before the Committee on the Law of Libel. He therein characterises it as slandering the public authorities from the King downwards, circulating personal slander as well as political, as containing of blasphemy and obscenity a considerable store—as entering into vulgar competition with others in the publication of ribaldry of every description—as underselling the respectable press—as maintaining the lawfulness of rebellion, and even the propriety of assassination. I have laid down the principle broadly, that upon the grounds whether of policy, of morals, or of the protection of sound political doctrine, the present high rate of stamp-duty is not to be defended or maintained; but I have stated, and now repeat, the grounds which I think are sufficient to justify me in the course I must pursue. I say distinctly, that if we look at this measure as a question of finance, I believe that ultimately, though at some risk, I might obtain an equivalent to a considerable extent, by the imposition of other duties, if we were in a condition to try such experiment, which we are not. If I had a surplus which would allow me to entertain it, the question is one which would occupy my most serious attention; but with a revenue borne down by the peculiar demands of the present year—which I have already explained to the House at a length that has been imputed to me elsewhere as a fault, but which, if I attained by it my object, namely, that of making the House understand the subject before them, I cannot regret, because such is the end of every Parliamentary exposition,—I then explained that under no circumstances can I this year have a surplus, such as any prudent Minister would wish to have at his command; and I now say that with it, such as it is, I am not in a condition to try this experiment. And I ask the House to stand by me in my determination not to impair the sources of the revenue by any premature reductions, especially as I have, within a short time, contracted a loan which I am pledged to make good, and which promise I think the House will not wish me to violate for the sake of making a financial experiment. I therefore urge upon my hon. Friend to consider the inexpediency of pressing this question to a division. I must confess, the question has been brought forward and discussed in the most fair and reasonable manner; but I am not at present prepared to entertain the proposition, nor do I see that any contingency is likely to arise which will enable me to propose to Parliament the remission of the entire amount of the duty. A proposition to remit 450,000*l.* altogether, is one which the House cannot entertain. I go further, and say I feel that it is one which I feel I should not be justified in entertaining; because there are other claims on the country, which are entitled to receive at least as much attention. Therefore, I think my hon. Friend has done wisely in saying, "I do not ask you for the entire remission of the duty, but simply for a reduction, such as will secure the better diffusion of sound knowledge and information." A means of providing an equivalent has been suggested, which I think to be of a very questionable nature; but as the plan seems to have taken considerable hold of the public mind, I deem it necessary to offer a few remarks upon it: I mean the plan of subjecting newspapers to a postage duty, a proposition which is insupportable by argument, and utterly impracticable. In the first place, it would cause great injustice to be done as between town and country; it is the country part of the empire which stands in need of knowledge, not only political, but moral, literary, and scientific. Congregated together in a mass, the people in a city have naturally the greater means of obtaining information and knowledge than in other places. This was proved by the course of events during the discussion of the Catholic Relief Bill. From whence was the support of that Bill derived? It was from cities and large towns. It was found the most difficult thing imaginable to obtain such support for it in the more remote parts of the empire, in consequence of the comparative want of a diffusion of this sort of knowledge among the people of those parts. Now by a postage duty, however the means of information might be increased in large towns, those districts would still not be benefited. Another proof that the circulation of the papers would neither be expedited nor increased by this scheme is found in the fact, that although the papers are now freed from postage, yet, for the sake of earlier delivery, the proprietors frequently prefer sending them by other paid conveyances; it is a delusion, therefore, to imagine that a postage duty will bring up the loss of revenue arising from the reduction of the stamp-duty. It has been said, that because this plan answers in America, it must answer here; but there may be a cause for its success in America, which does not exist here. In the wild and distant parts of that country the mail may be the best, and, perhaps, the only mode of conveyance for them; but the best proof to the contrary here, is that the parties who might command a free transmission by that source, prefer sending their papers by another, notwithstanding the cost of carriage. Then this plan would be subject to another and great inconvenience; for in order to preserve the revenue, it must be penal, as in the case of letters, to send by any other conveyance, and you must have an inquisitorial power to search all the Red Lions and Saracen's Heads in the country, or you would be foiled in your postage duties altogether. Then, as to the question of reduction, I say if the measure is to be remunerative, it must be a bold measure of reduction; as to the amount of it, it is not necessary to express any opinion at present. I have stated the general principle, I hope in a manner satisfactory to the House, of my inability to concur in the Motion; but if even I could venture upon the step, there is another reason why I should not take it at the present moment. Much must be done to protect the press itself, before it is done; it may be difficult to devise it, but something in the shape of a principle of copyright is necessary to be established. Let us suppose one of the largest newspaper establishments in the country at much expense for foreign correspondence, for their system of reporting, and for the means of securing publication at the earliest hour in the day. Now, if there be not some such protection devised, perhaps through the means of the press or of lithography, some person may cause a duplicate to be made, possessing themselves thereby, and making a profit, of all the information collected at so much expense, without having expended a single farthing to procure it. I know that this is an extremely difficult part of the subject; but I say it is one which should by no means be overlooked. I have now answered the statement of my hon. Friend. I repeat it, that in the present state of the finances of the country, I cannot, by any possibility, run the risk of making the experiment. I am not afraid of the result of it upon political grounds; I do not consider that the constitution of the country is likely to be injured by the greatest possible circulation of the productions of the daily press: on the contrary, I am convinced that the more our institutions are brought within the reach of the people, the more they are led to consider them, the more accurately they are taught to weigh the proceedings of Parliament, the more closely they are led to examine the principles upon which our laws are framed, and the obligations by which they become liable to them, the more certain are we of contentment if the laws be right, and of reform if they are wrong. I do not consider it quite an accurate statement that this is a tax upon knowledge; yet I believe that politically much depends upon it. As there are persons at present degraded enough to diffuse poison for the people, I should wish to provide the means of furnishing an antidote to that poison. I rejoice in the statement made by my hon. Friend, that if the measure should pass, it must be accompanied by one of protection for the collection of the revenue. If I should hereafter make a proposition which the Parliament thinks proper to sanction, for a remission of part of this duty, let it be remitted honestly and in earnest; let what will still remain of that duty, like every other, be protected. I ask for no protection against the press itself, but I ask you for a law to enable me to collect the revenue, and to protect the honest trader, who contributes his fair share to the State, from the encroachments of the man who does not. I now thank the House for their attention, and my hon. Friend for the manner in which he has discussed the question: there is no difference between us on principle, although it is inexpedient at present to enter practically into the discussion of it; first, because I cannot afford the proposed remission of this duty; and next, because even if I could, there is now no time to discuss the measures by which it ought to be accompanied. Having given a pledge as to the future adoption of the principle of the measure, I must reserve to myself the right of taking full time to lay the comparative claims of one class of the community against the other, that I may not expose myself to the imputation of inconsistency or absurdity, merely for the sake of financial experiment.

Mr. *Charles Buller*: I am sure if the right hon. Gentleman should obtain any unpopularity, it will not be for the manner in which he has treated this question, though I am sorry that he does not go further. If, at any other time, he has made any unpopular observations, he has now shown himself decided on the justness of the principle, and he has thrown aside all the odious arguments by which these taxes have been supported in past times. He has admitted them to be bad, and he has only asked for time and due consideration to be enabled to remit them. But I am not convinced that he might not safely have repealed them this year. It is said they produce between 400,000*l.*, and 500,000*l.*, and that if they were taken off, the revenue would be deprived of 350,000*l.* because there is a surplus of only 200,000*l.* But if he had reduced the stamp duty to twopence, probably there might be a deficiency of 100,000*l.*, which, if it were the case, I am sure could easily be made up by a duty on salmon, for example, or any other luxury. It has been shown that these taxes do not cause an increase of publication. This may be seen in the circulation of *The Penny Magazine* and other cheap publications. I am acquainted with the circumstances of another part of the public Press, the circulation of which is very large, I mean the Sunday papers. The weekly papers generally sell for sevenpence, but they are published only once in six days, so that in fact the consumers of these papers only pay sevenpence in six days, while those who purchase the other papers pay six times 7*d.* in six days. It appears that the weekly papers circulate twenty millions per annum, and that the circulation of the daily Press is but fifteen millions a-year. There is, however, reason to believe that the readers of the weekly papers are eight times as many as those of the daily papers. I say too, that if you will go into these calculations you will find it will give a large majority of readers to each weekly paper, and this ought to satisfy the Chancellor of the Exchequer that the revenue would not suffer by such a reduction, because each of these weekly readers would become daily purchasers, and there would be a considerable increase of the old daily readers. The only question for the Chancellor of the Exchequer is,—is not a large portion of the public Press injured by the great extent of smuggling? If we could get a fair account of the number of unstamped newspapers, we should find that they exceed by thousands the stamped newspapers, and we should see that the revenue is actually suffering, and that the morals of the community are suffering too, by the retention of this tax under the present system. Some of the better kind of the weekly papers have suffered to a great extent. I shall perhaps get no great popularity for this, but I think a good and rational law of libel ought to be established, which would secure its freedom as well as its purity from slander, and if we take off the duty, we should not think of doing so without putting this check over it. This, too, must either do harm or good, and if it does not do good it must do excessive harm, for it deprives men of the means of knowing the laws, which they are called on to obey, and under which they may be convicted of unconscious crimes. With these laws the people cannot be acquainted while we prevent the use of the only means of affording them this very necessary information. The right hon. Gentleman has admitted that the people are deprived of political knowledge, and the truth is, that that knowledge is not only the most useful, but indispensable, and we see this by the success of publications which gives them this knowledge, though imperfectly, and sometimes of a very bad kind. I congratulate the House on the support of this Question, for it is now proved that this House has no desire to prevent the spread of political knowledge, and that it is not opposed to this great moral force if rightly and correctly used; and that the Ministers and the men who achieved the glorious Reform Act, only wait the fair opportunity to give a fresh impetus to the diffusion of political knowledge and salutary information.

Mr. *Grote*: I can assure the House that it is my intention to trespass only for a very short time; but I think after the speech of the right hon. the Chancellor of the Exchequer, to which I have listened with much pleasure, I think I may be allowed to say it evinced a much more enlightened and generous spirit than has been known to be displayed by any Member of any Executive Government before. But I must also say, that after having heard pointed out in the most clear manner, and so much more forcibly than I can do, the mischievous consequences of retaining these taxes, a much stronger reason than that founded on mere financial considerations is necessary to justify their continuance. I think the right hon. Gentleman seemed to admit in his financial statement, that there was strong probability that the reduction of this tax from 4*d*. to 1*d*. would be attended with no loss to the revenue; in my opinion there would be such an increase of circulation as would by the paper duty alone make up for any loss the revenue might suffer by reducing the duty. That is my firm conviction. Now, Sir, I would take the liberty of submitting to the right hon. Gentleman's consideration, whether the liberal tone he has taken will not tend to increase the objections to this tax? I really would wish to impress upon him how he, of all others, can depend upon the continuation of this tax, of which he has so ably pointed out the mischiefs, unless it can be shown to be unquestionably necessary to our public credit. But the right hon. Gentleman has fallen very far short of that. Now, Sir, with reference to the additional protection to the fair trader, I must be allowed to remind the right hon. Gentleman that reductions, in my opinion, fair reductions, would be the greatest protection to the fair trader. With regard to the right hon. Gentleman's idea as to copy-right, I fully approve of it; but it seems to me the matter is so simple that a few lines in an Act of Parliament would be quite sufficient for all practical purposes. I will refrain from troubling the House at greater length than by expressing the great interest I have and feel in this important Question, and the strong feeling, the growing feeling there is upon this subject throughout all the great towns of this country. There is that, Sir, going on upon this subject of which the right hon. Gentleman does not seem sensible, or he would not decline to take off this tax. Although I should be sorry to put the Government to any inconvenience, yet in my opinion, if there are no other or better grounds for retaining this tax than those stated by the Chancellor of the Exchequer, it ought to be taken off. I say, once more the right hon. Gentleman has not made out any ground for retaining this tax, and, therefore it is that I regret the resolution to which he has come.

Mr. *Buckingham:* This tax, in my opinion does not bear any proportion to the price of the article, and I would venture, therefore, to suggest, that if this tax were taken off newspapers, and one of a penny or less put on, it would so increase the circulation, that a greater revenue would be acquired by it. If also free transmission was given to newspapers to all parts of the country, the revenue, in my opinion, would be increased. I think, on the whole, there ought to be a graduated duty relative to newspapers.

Mr. *Warburton:* Sir, if there was any time in which I should feel it my duty to oppose the Government it would be the present. After the declaration that has been made by the right hon. Gentleman on two most important subjects, first, the declaration with respect to the internal politics of the country; and secondly, the declaration that he has made with respect to the duties on newspapers, nothing can be more satisfactory than the declaration the right hon. Gentleman made, when he stated that the present high duty on newspapers could neither be defended on principle or practice. What greater condemnation of the existing system can be pronounced than such a declaration coming from such an authority, I cannot find out. The case of low duties may be compared to the state of things which existed before the invention of printing, and printing itself. All the arguments in the defence of high duties, all the arguments for the purpose of restricting the circulation of newspapers has been grappled with, and, therefore, it will be unnecessary for me to say anything further upon the question. Now, if I should decline, on account of the declarations of the Government, to go along with those who support this Motion, I must say on account of the situation in which we are placed after this declaration, and after what we know to be the state of the difficulty in collecting the revenue on newspapers, recollecting what that difficulty is, I must say there never was an occasion on which I felt more inclined than the present to dispute the grounds taken by the right hon. Gentleman. It is notorious that without a system of persecution and inquisition, which will no longer be borne, you cannot continue the tax. In my opinion, it will be utterly impossible to continue it six months longer after the condemnation that has been given to it by the right hon. Gentleman. If you continue this law for another six months, in what state will you leave the country, the people longing for a free communication, and the seizing of presses which print newspapers persevered in? Under such circumstances, is it possible, I ask, for the Government to carry on the duty much longer? The truth is, the course that has been adopted by Government has led the public to doubt the sincerity of their intentions, and their wishes and desires with respect to this tax. The declarations that have been made on this subject, were also made several years ago. My hon. Friend, the Member for Middlesex, knows that we waited on the Chancellor of the Exchequer three or four years ago, and we had then the assurance that it was only on account of the then state of politics, the Chancellor of the Exchequer declared to us, that he did not bring in a Bill to repeal these duties. Now, we have been waiting for a liberal Government to carry these intentions into effect, from that time until the present moment, and what have we got now? Why, the declaration of the Chancellor of the Exchequer, that they persevered in their former intention to keep on the duty on newspapers. It will probably be observed, that it is only with respect to the question of finance that the duty has been kept on. I think upon that question also, the decision which the Chancellor of the Exchequer has come to, is not the right one. Look to the seizures that have taken place. Let the Chancellor of the Exchequer compare the state of his receipts from this tax and the dissatisfaction that prevails, and I think he will find that he will have great difficulty in maintaining those receipts as long as that dissatisfaction prevails. I have no hesitation in saying he will not be able to maintain them. Now, Sir, the Chancellor of the Exchequer has talked of taking off the duty of one particular class; I hate the name of taking off the duty on particular classes. The object of the Chancellor of the Exchequer, in my opinion, ought to be to take off those taxes that will give relief to all classes, and I should like to know where that class is to be found that does not read newspapers? I fully agree with the Chancellor of the Exchequer that something ought to be done for the protection of copyright; but I do believe that an hour's conversation with the editors and proprietors of two or three newspapers by the Solicitor to the Treasury would enable him to draw such a Clause as would be abundantly sufficient to answer all the purposes required. I looked, Sir, with alarm, when the right hon. Gentleman talked of greater powers, for I cannot think that greater powers are necessary. And why do I say so? Because I am persuaded if a proper duty was placed on newspapers, much less power than the Government has at present would enforce their payment. Greater powers were not found necessary when the tax was moderate, and I firmly believe the Chancellor of the Exchequer, in what he has done, has very much miscalculated, and that he will find that out ere long. Sir, in conclusion I must say that I shall be inclined, whatever the hon. Mover may think right to do, to go along with him. If he divides, I shall divide with him, and if he thinks proper to defer the question I shall acquiesce in the propriety of the adoption of that course.

Mr. *O'Connell:* Sir, I must protest, in the first place, against the opinion given by the right hon. Gentleman, the Chancellor of the Exchequer as being correct with respect to the whole of the unstamped Press; for there are, I must say, many most meritorious exceptions. I have had many persons with me on the subject of the recent seizures that have taken place—they came to me very angry, but they left me very calm; for I told them that the present state of things could not long exist. After all that has been admitted upon the subject, the only point in my mind that should be really pressed upon the Chancellor of the Exchequer is the reasonableness of trying the experiment. Let him look to the papers in Ireland, and see if they are not over-taxed. What is the whole amount of the Stamp-duty in that country, in which there are no less than eight millions of persons? It is only 8,000*l.* a-year. Why is it so small? Because the Stamp-duty is so heavy—and there are so few persons who purchase newspapers in consequence of it. The advertisement duty yields little or nothing, but it would be greatly enhanced if the Stamp-duty were so small as to increase the circulation. I think, therefore, you have given ground for pressing this experiment. I cannot help congratulating the House and the country upon the sentiments which have this night been expressed by the right hon. Gentleman, that the fullest reliance may be placed on the principle that actuates the Government to put the Press on the best footing. What an admirable contrast does this form with the Government of a neighbouring country? There are in this country no infernal machines—and why are there not? Because no man will venture here to persecute the Press even in obedience to the law—such is the force of public opinion. One regrets to see the country, I allude to in the state in which it now is. How is it to be accounted for? Why, by stifling public discussions and putting down the freedom of thought. A traitor Ministry and a King forgetful of the principles that have placed him on his throne, caused all this. I have to submit to my hon. Friend, who has brought forward this Motion, whether the implied pledge that has been given by the Chancellor of the Exchequer, is not in effect a pledge for the ultimate reduction of the tax. Three or four months cannot elapse before we meet again, and I am sure my Friend, when he sees that Parliament cannot meet for a week, without having this Measure brought forward, will see the propriety of postponing his present Motion till the first Supply day in the next Session, when I have no hesitation in saying it will meet with no opposition.

Mr. *Wallace:* I am sure that what has passed to night will give universal satisfaction to the country. I think, however, that every facility ought to be given to the circulation of newspapers through the means of the Post-office. A large addition to the revenue might be afforded by a better system of management at the Post-office, which would not only make any defalcation good, but also leave a large sinking fund to meet future expenses.

Mr. *Baines:* Sir, I feel anxious to make a few observations on this important subject. I entirely approve of the Motion made by my hon. Friend. I think with him, that there should be a reduction, not of the whole, but the greater part, of the tax. I am persuaded that if the right hon. the Chancellor of the Exchequer will adopt this resolution, and I infer from his observations that he will ultimately adopt it, he need not apprehend that the revenue will suffer from its adoption. I am persuaded that there are means by which great advantages may be derived from the reduction. But there is one subject which has not been attended to, and which I feel is entitled to as much observation as the reduction of the duty upon newspapers, and that is the reduction of the duty upon the paper itself. By the reduction of the duty upon paper, you will give advantages to all classes of society; whereas, by the reduction of the duty upon newspapers, you give advantages to one class only. The readers, and I need not say that they are a great many, of books, will all receive advantages by the reduction of the duty on paper. I hope the Chancellor of the Exchequer, when he takes this subject into consideration, will not lose sight of what, in my opinion, is of very great importance—the reduction of the duty upon paper. With respect to the observations that have been made upon the propriety of imposing a postage duty, I conceive that that would be an extremely prejudicial measure. It would in my opinion operate to withhold information from those persons who stand most in want of it. It is also objectionable in another way. Many faults would be found with the duty upon postage by those who now make no objection to paying the full expense of a newspaper. Many would object to pay postage who have no objection to pay a duty upon the article from which they derive benefit, and for which they receive value. I do think that this view of the subject with respect to postage ought not to be lost sight of. If there shall be a duty of one penny upon postage, all those who now defraud the revenue by selling and purchasing unstamped papers will contrive to send and receive their papers by other means than through the Post Office; they will avail themselves of those opportunities to continue these frauds upon the revenue. It will operate very much in this way, also, that it will have the effect of continuing a practice of doing injustice to the revenue, and at the same time accustoming people to those habits which it was most desirable should never prevail. I feel perfectly convinced, that if the Chancellor of the Exchequer shall ultimately determine upon the adoption of this measure, he will not find the revenue suffer. He certainly will not find it suffer to any great extent. I, myself, most anxiously desire, that the revenue should not suffer, but even under the circumstances in which we are placed, I do not feel any doubt but that the right hon. Gentleman would find himself in a situation of perfect security, although he should determine to make the reduction this year. I can conceive, that considerable difficulties may stand in the way of making the reduction at the present moment; and among the rest the reduction in the duty ought to be made so as to give protection to the fair trader; and I apprehend that we could not find sufficient time during the present Session to enact such laws as would give that necessary protection. With respect to the conduct of the proprietors of Newspapers, though they have been called monopolists, and stigmatised in the course of this debate, their conduct I am persuaded when fairly seen, will be thought perfectly reasonable. They have gone to the Chancellor of the Exchequer, and said to him, "We do not ask you whether you will augment or diminish the duty, all we ask is, that you will place us upon a footing of perfect equality with all other persons in the same trade; if other persons publish newspapers on unstamped paper, all we ask is to enjoy the same privileges; but if, on the contrary, we are placed under the necessity of publishing on stamped paper, we require that all other persons shall be liable to the same restriction. I consider that claim to be perfectly reasonable, and such as the publishers of newspapers have a right to make. The right hon. Gentleman has expressed his intention to give security to copy-right which I should consider a wise system of legislation, and such as I have no doubt, if adopted, will be found perfectly satisfactory to all those who are engaged in conducting the public Press, and will be found alike conducive to the interests and the wishes of the public at large; and will inspire them with a lively interest in the support of that Government of which the right hon. Gentleman forms a part.

Mr. *Robinson:* I will not detain the House with more than a few observations upon this very important question. I believe, that every Gentleman who has spoken has decidedly advocated some alteration in the Stamp Duties. I can assure the House that there is a strong feeling upon this subject amongst my constituency, and the most respectable and influential portion of them decidedly advocate an alteration of the duties upon newspapers, and I have during the present Session presented petitions from them, praying for its repeal. I wish to ask the right hon. Gentleman whether; after the very strong expressions he has himself used this night upon this subject, his Majesty's Ministers can hope to maintain these duties in their present state? The question is in fact disposed of—and I am very glad to observe the general concurrence of opinion on the part of those who usually support the present Government. And I hope, that after the general expression of the feeling of all sides of the House, that the hon. Member for Lincoln will not press his resolution. The right hon. Gentleman (the Chancellor of the Exchequer) has abandoned the tax upon principle, and I hope, therefore, the hon. Member will not press the House to a division. I merely rose to express my own opinion, and to ask this plain question—whether after the declared opinion, openly given in the face of the public, upon the principle of this tax, his Majesty's Government have determined upon the maintenance of this tax upon only one ground, that of finance—a ground which I consider to be wholly untenable? Can it be said, that in this great country—where we have a revenue of fifty millions—after the House of Commons with one opinion has pronounced this a most objectionable tax, that it is yet to be maintained upon the principle of revenue alone? I will not further occupy the time of the House. The only question is in what way this tax may be most advantageously altered. I will not enter into the subject whether or not a substitute should be adopted in lieu of the whole or of a portion of it; but I am most decidedly of opinion, that if his Majesty's Government will direct its attention during the recess to some alteration of this tax, they will be only acting in consonance with the public voice. I will only beg leave to add, on the part of the trading community, that if, in addition to some remission of the Stamp-duty, there was a reduction of the advertisement duty also, it would yield still more satisfaction. If the revenue sustained some loss by the change of taxation, the House of Commons I am sure, will never consent to see a Chancellor of the Exchequer placed in difficulties from the necessity of raising such a sum. In the present duties there must be some change.

Mr. *Wakley*: Sir, it rests with the hon. Member who has made the motion, whether we shall any longer continue to have stamp duties or not. The right hon. Gentleman, the Chancellor of the Exchequer, has invited the House to vote. He has said that this is not a tax that can be defended upon principle, and he says also that it is inexpedient in practice; and what, I ask, could a Chancellor of the Exchequer say more? He has said, that this tax could not be recommended; that in every sense of the word it is injurious to the morals of the country; and after this declaration, I consider that this House, deserted as it is by the Conservatives,—[*great laughter—the Opposition Benches were almost empty*]—will not do its duty if it does not press this Motion. I am most anxious to give the present Ministry all the support it is in my power to give them, because I believe that they are sincerely desirous of benefitting the best interests of the country. But anxious as I am to support them, I have a much greater anxiety to see every clog removed from the vehicles that convey political information to the people. The people have petitioned in thousands and tens of thousands for the repeal of this tax. If the public only knew the benefit they would derive from that repeal, ten thousand more would petition for its repeal. I sent to Somerset-House to know exactly what was to be done before a man could publish a newspaper, and the information I received was to the following effect: If it is a weekly paper, there must be given in the names, residences, and occupations, of two responsible sureties to secure the payment of the duty, to the amount of 500*l.*, and if a daily paper, to the amount of 1000*l.* Are not these clogs? Further, there must be names, residences, and occupations, of two more, as a security against the publication of blasphemous or seditious libels, to the amount of 300*l.* Thus the Press is clogged in every way. The public can only derive information in large towns. In small towns and rural villages, they are in a state of utter political darkness, and yet the art of printing has been in our possession for four hundred years. The Chancellor of the Exchequer has refused to give any distinct pledge for the reduction of this tax next Session, and he has alluded to the reductions already made to the amount of forty millions; and yet the Chancellor of the Exchequer thinks that the public will derive a benefit from the reduction of the Stamp-duties. How? Why is it that this discovery has never been made before? Because it was only lately they had applied to it the pressure in that House and out of it. I do not allude to the present Chancellor of the Exchequer; because I believe he was always persuaded of the evils of the existence of this tax, and anxious to relieve his mind from the disagreeable necessity of continuing it. It is admitted on all hands to be an odious tax, it presses upon the country, and renders the whole people subject to tyranny and despotism. If the right hon. Gentleman does not like this motion—if he will not be persuaded to reduce this tax—would he like to put the tax up to a public bidding? If the reduction takes place, and the Chancellor of the Exchequer will put the tax up to a public auction, the subscription lists will be filled in less than four hours, and I am satisfied that the contractor will make a most excellent bargain who takes the tax at one penny. There is not a man in this House who does not believe that if the tax were reduced to one penny, the circulation will not be more than trebled. Is there any man here who entertains a contrary opinion? In many country towns at present the people have no newspapers. A newspaper goes down thither occasionally, but they have no such thing as a printing establishment where a newspaper is published. Only take off this tax, and we shall soon have established in all small towns a newspaper. There will not be a town with 3,000 inhabitants which will not have one or two newspapers, and the consequence will be a great increase of the revenue from the paper duty, which will in my opinion make up for any diminution that will arise from the reduction of the Stamp-duty. I, therefore, hope that my hon. Friend, the Member for Lincoln, will press his Motion, unless the right hon. Gentleman, the Chancellor of the Exchequer, gives a most distinct pledge that the tax shall come off in the next Session. The public, if we bring forward such Motions as this, and do not press them, will consider them as so many farces. They will say these Motions are brought forward to serve personal or individual purposes, and the public interests are entirely sacrificed. I hope that our conduct this night will satisfy the people that we have no such view on this occasion; and that we propose to look to the public interests, and not to our own. Sir, I am prepared to maintain this principle in this House; I have advocated it out of this House; and when I see any means of serving the public interests, I feel that I ought to make use of it. I know no way in which I can more effectually serve the public interests than by supporting the present Motion.

The *Chancellor of the Exchequer*: Sir, I am anxious to offer a few words in explanation. The hon. Gentleman who has just sat down has argued as if I had invited the House to take the course he has stated. Sir, I stated that I never would consent to take this course; that I would never be responsible for taking it, because I consider it inconsistent at the present moment with the financial state of the country. I must say, that it is not very generous in the hon. Gentleman to take advantage of my frank admissions.

Mr. *Edward Lytton Bulwer*: I consider that the right hon. Gentleman (the Chancellor of the Exchequer) has in his speech pledged himself—I have a right to use that expression—to the repeal of the Stamp-duty. I consider that he has pledged himself in that speech as strongly as any man can pledge himself. I believe that this Duty cannot last. I believe that it will be repealed in the next Session. The only question remaining now is one of delay. If I press this Question to a division at this moment, I am not sure that I shall carry it; and if I do carry it, it will be with great moral disadvantages. In the first place, it will weaken the Government at a moment when it ought to have collected round it its whole strength. In the next place, it will expose us to divisions when we ought most to be united. And in the third place, we shall render ourselves liable to the accusation of acting against his Majesty's Government, at a time when I sincerely believe they are in possession of the national confidence. Under all these circumstances, I feel that, on this as on similar questions, our object will be best attained—the Government acknowledging the principle, and asking only time and opportunity to carry it into effect. With these views, and feeling that no personal motive can attach to myself, I feel that I should not stand well with the country if I pressed my Motion to a division.

The *Chancellor of the Exchequer*: The hon. Gentleman is perfectly entitled to consider that I have pledged myself against the principle of this Tax, which I never can support; but if he means to say that I have pledged myself, under all imaginable circumstances, to repeal this Tax next Session, I must say that I have given, and am prepared to give, no such pledge. I may have the same difficulties to contend with—the financial arrangements of the country may be exactly the same—and in that case, I shall be under the necessity of continuing this Tax. I have stated, as distinctly as I could do, what my opinions were upon this subject, and from those there shall be no departure or compromise.

Mr. *E. Bulwer*: I consider the right hon. Gentleman to pledge himself to the repeal of those Taxes, if the revenue can bear it.

The *Chancellor of the Exchequer*: Aye, supposing the revenue can bear it. But I must say, at the same time, that this is a different state of the Question to what it was at first.

Mr. *Hume*: I am of opinion, after what has been stated, that even if the finances of the country remain the same, the right hon. Gentleman is bound to find a substitute for this Tax. I consider that he is called upon, after the general expression of the opinion of the House, so to do. I will only add, that if I had had any idea that the hon. Gentleman, the Member for Lincoln, was pledged not to press the Motion to a division, I would never have seconded it.

Mr. *H. Bulwer*: My hon. Friend, the Member for Lincoln, never stated that he was pledged not to divide; he only stated that he did not think it adviseable, under the present circumstances, to divide the House. When the right hon. Gentleman, the Chancellor of the Exchequer, has admitted the principle of the Motion, I do not see how my hon. Friend could divide the House.

The Motion was withdrawn.

Mr. Buckingham's Claim.] On the Motion of Mr. Tulk, the Order of the Day for resuming the Adjourned Debate on Mr. Buckingham's Claim was read.

Mr. *Tulk* detailed the circumstances of Mr. Buckingham's banishment from India for writing a newspaper article offensive to the Government of that country, the loss of his newspaper property that ensued upon that event, the proceedings of two Parliamentary Committees in reference to Mr. Buckingham's claim to compensation from the East-India Company, and the other circumstances of the case. The hon. Member moved, in conclusion, that leave be given to bring in a Bill to provide for the payment by the East-India Company of compensation to Mr. Buckingham for certain losses of property in India, founded on the evidence taken before a Select Committee, and their Report upon the same, presented to the House of Commons on the 4th of August, 1834.

Sir *John Hobhouse* said, it was disagreeable to him to appear connected with anything that might be thought, however mistakenly, to savour of oppression or an attempt to put down the liberty of the press, and it was doubly disagreeable to be obliged to speak of the case of an hon. Member of the House—the hon. Gentleman sitting opposite to him at the time and advocating his own claim, which, be it remembered, was for compensation in money for certain alleged losses. Since he had been in Parliament, he never before knew a Member of the House to come forward in support of a pecuniary claim of his own. He did not say that this was Mr. Buckingham's fault, perhaps it might be called the hon. Gentleman's misfortune; but then it was also his misfortune to be obliged to argue against Mr. Buckingham's demand in that Gentleman's presence, especially if he should be thought to say anything severe. He as well as other Members had received a paper containing a statement of Mr. Buckingham's case, and he must say this was the first time he had observed any thing like such a mode of application with respect to pecuniary claims of a Member of that House. He would state why it was, that he totally objected to this motion. In the first place, he disliked the delay that had taken place in prosecuting the claim. He asked how came it, after the Committee of 1828 had broken up without making any report on the subject, that Mr. Buckingham allowed his just claims (if just they were) to lie dormant from that time till 1834? Those claims had been brought before the Court of Directors and Proprietors of the East-India Company by Mr. Buckingham's personal friends and admirers, and the proprietors having no imaginable reason for dealing unjustly with the matter (whatever might be thought of the Directors), twice rejected the application. Neither the Court of Proprietors nor the Directors would lose a single farthing if the compensation demanded (40,000*l.*) were paid to-morrow, for their dividends were secured to them; but he could not consent that the territorial revenues of India should be mulcted on insufficient grounds. The banishment of Mr. Buckingham from India, and the subsequent proceedings against his newspaper, might be right or wrong, but, be that as it might, the hon. Gentleman entered upon his literary career as a speculation, of the casualties attendant on which he must have been aware at the time, and he had no right to say that whatever he might have lost in the undertaking was a fair measure of the fine to be imposed on the natives of India. The Committee did not deny that the Government of India had power to act as it did, nor was it pretended that any law had been infringed in resorting to the extreme measure that was adopted in this case. What pretence existed for the interposition of Parliament under such circumstances, or why should it impose a fine on people who had nothing to do with the guilt (if guilt there were) of suppressing Mr. Buckingham's journal? If a fair claim to compensation existed, he would be the last man to oppose it; but he could see no grounds for the present demand, and was therefore obliged to resist it. Who was to fix the amount of the fine to be levied on the territorial revenues of India, and how was the extent of Mr. Buckingham's loss to be ascertained? He very much doubted whether he ought not to have objected to the introduction of a measure which partook of the nature of a Money-bill (claiming compensation as it did from the territorial revenue of India) without the consent of the Crown. He earnestly recommended the hon. Member not to press the Motion. As the loss was not proved, and it was not possible to make it out, he should give his strenuous opposition to it.

The Speaker asked whether the consent of the Crown had been given?

Sir John Hobhouse would wave that question.

Mr. *Hume* was surprised at the course taken by the right hon. Baronet. Mr.

Buckingham had suffered great injustice by the arbitrary conduct of the Governor-general of India. He was in India on a licence, and his newspaper was realizing him a profit of nearly 8,000*l.* a year, when he was banished, and his paper was suppressed. This was for publishing an article objecting to an official appointment which the East-India Company and the Government themselves sent out an order to cancel. He hoped the House would allow the Bill to go into Committee, where some compromise might be effected. Perhaps they could not ascertain the value within 100*l.* or even 1,000*l.*, but the Select Committee desired to make some approach to justice. Let them grant 30,000*l.* or 20,000*l.*, or whatever was thought reasonable. In the Committee some compromise might be effected.

Mr. *Vernon Smith* said, the obvious and only course for the hon. Gentleman to pursue, if he had been wronged, was that of suing the Governor-general for India. With reference to the account of the injury which had been suffered, he would observe that while the hon. Member for Middlesex had stated it to be the loss of 8,000*l.* a year, the income derived from his newspaper, Mr. Buckingham himself had variously stated it at 4,000*l.*, 6,000*l.*, and 8,000*l.* a year. The law under which that Gentleman had been removed was in full force at the time; and how could they entertain the question, whether they ought to compel the Company who had acted in the discretion vested in them by that law, and thus, under the sanction of the Legislature, to make compensation for its effects?

Mr. *O'Connell* thought the Bill should be brought in, leaving the details of it to the Committee. A *prima facie* case had been established in the Report of the Select Committee upon the subject.

The House divided on the Motion:—Ayes 48; Noes 13:—Majority 35.

Bill ordered to be brought in.

List of the Ayes.

Aglionby, H. A.
Attwood, T.
Baldwin, Dr.
Bish, T.
Blake, J. M.
Bowring, Dr.
Brabazon, Sir W.
Bridgeman, H.
Brotherton, J.
Brudenell, Lord
Bulwer, H. L.
Callaghan, D.
Cavendish, H. G. H.
Clements, Lord
Crawford, S.
D'Eynecourt, C. T.
Fielden, J.
Hector, C. J.
Hindley C.
Howard, P. H.
Hume, J.
Jephson, C. D. O.
Morpeth, Lord
Macleod, R.
Nagle, Sir R.
O'Connell, D.
Parker, J.
Pease, J.
Pendarves, W.
Philips, Mark
Potter, R.
Pryme, G.
Ruthven, E. S.
Ruthven, E.
Scholefield, J.
Sheil, R. L.
Smith, Benjamin
Stuart, Lord Dudley
Thompson, Alderman
Wakley, T.
Walker, C. A.
Wallace, R.
Warburton, H.
Williams, W.
Williams, W. A.
Young, G.

Tellers.

Tulk, C. A.
Baines, E.

Paired off in favour of the Motion.

Russell, Lord John
Bernal, Ralph
Cave, Otway
Codrington, Sir E.
Ewart, W.
Harvey, D. W.
Wilde, Serjeant

List of the Noes.

Baring, T. E.
Cooper, E. J.
Dillwyn, L. W.
Ferguson, Sir R.
Forster, C. S.
Hobhouse, Sir J.
Labouchere, H.
Lennox, Lord G.
Lygon, Colonel
O'Farrell, M.
O'Loghlen, M.
Robinson, G. R.
Wilson, H.

TELLERS.

Smith, Vernon
Stuart, Robert

HOUSE OF COMMONS,

Saturday, August 22, 1835.

Minutes.] Petitions presented. By Mr. Buckingham, from five Places, against Drunkenness.—By Mr. Ruthven, from Staffordshire, against Election Expenses.—By Sir W. Brabazon, from Ballina, for Means to make a better Harbour; from Westport, for a Committee to Inquire into the State of the Irish Fisheries.—By Mr. Mark Philips, from Manchester, for Amending the Sale of Beer Act; from the Brewers of Salford, for a more accurate Collection of the Malt Duty in Ireland.

Birmingham Petition — Corporation Reform.] Mr. *Thomas Attwood* said, he had to present a Petition adopted at a public meeting in Birmingham, signed by Mr. James, the Chairman, on behalf of the meeting. It was on the subject of the Municipal Corporations' Bill, and it had been adopted at a meeting equally distinguished for its numbers and for the firmness with which it gave utterance to its opinions. The petitioners approached the House with increased confidence—a confidence in which he participated—in consequence of having a Ministry that warranted good opinions and expectations. Previously to presenting this petition, in order that the House might duly estimate its value, he wished to give an instance of the sort of feeling that characterized those who constituted this meeting. There had been a desire, seeing what was passing, to revive the Political Union. Of the former Political Union of Birmingham it was unnecessary for him to say any thing. Its history and its acts were before the world. With respect to the contemplated revival of that Union, he had taken the liberty to express an opinion against the policy of such a proceeding. He did so on account of the improved state of the representation—and of their having an Administration of such a liberal character as to justify great confidence. He further took the liberty most decidedly to urge that if the Municipal Corporations' Bill became the law, it would more effectually accomplish the good object now sought than Political Unions. The Town Councils which the Bill would give, would protect and promote the people's best interests. He was happy to say, that his representations had not been without their effect. The idea of proposing the revival of the Political Union was abandoned; but he must state, in order that the House might judge of the character of the meeting, and of the opinions that were abroad in society, that the parties present at the meeting had been prepared to surpass him in Radicalism. He deplored quite as much as the meeting could do the proceedings that had taken place in the House of Lords on this Bill; but he nevertheless could not be unmindful of the great and able exertions of the patriotic minority of Lords who had so manfully, with so much ability, and with such great sacrifices, resisted the several mutilations of the Bill. Their conduct deserved the lasting gratitude of the country, and displayed a moral elevation of character that not merely redeemed the particular individuals, but justified the proudest hopes for the future, be the fate of the Bill what it might. Still it was his duty, from the knowledge of facts which he possessed, to state, that if justice were not done, or if the granting of useful measures were impeded, the opinions which now engaged the great mass of society were pregnant with much danger to the State. Let it be remembered, that the people had the hoarded injuries of many years to impel them to use that power which they now possessed; that they had been subjected to the severest laws, and one in particular, that had operated extensively in confiscating their property, and it was vain to expect that they would rest, possessing the ability and the firmness that they did, until wrongs were redressed and security obtained for future good Government. He admitted, that workmen were better off, that prosperity with particular classes had increased, but these advantages had resulted from the sacrifice of capital rather than from universal improvement. And so clearly was this seen, that if this and other measures of amelioration were resisted elsewhere, he knew there was such a spirit abroad as would inevitably lead to the revival of the Political Unions. As for himself, and he believed that he spoke the sentiments of the meeting at Birmingham, he had no confidence in any power, except in that House, and in the Ministers. He was quite sure, that the Bill could not be mutilated with safety to the tranquillity and best interests of this country. There existed a most determined feeling—the Ministers might guard against it if they liked; but if they were not firm in resisting the mutilations, the people would cease to have confidence in them. The petition was in favour of the Municipal Corporations' Bill, and it prayed the House to resist all mutilations in that measure.

Lord *John Russell* was glad to hear from the hon. Member, that his friends in Birmingham had adopted his very judicious advice in two instances—first, in not renewing the Political Unions; and secondly, in softening the terms in which they spoke, in their petition, of the House of Lords, into terms of proper respect. The hon. Gentleman had acted with great judgment in both these cases. He had been always of opinion, that the people had better abstain from forming Political Unions. With regard to the other point, he quite agreed with the hon. Member, that the House of Lords should be treated with due and becoming respect.

Mr. *Shaw* also agreed in the propriety of the advice that had been given by the hon. Member for Birmingham against any proposed revival of Political Unions. Both the hon. Member and the noble Lord must have learned long since that it was easier to set a going the wheel of Radicalism than to stop it. He trusted, however, than the parties had been restrained by a sense of duty rather than by any other motive.

Mr. *Wakley* said, he could not but remember the great benefit that had been derived from Political Unions; that to those Unions, alone, they owed the Reform Bill; and that if an emergency again arose the people were not without precedents. It was clear to all, or it ought to be, that there was now proceeding a violent conflict between two principles—that of hereditary power, and that of representative legislation. He was satisfied that the representative power would gain the ascendancy. Hitherto the hereditary branch had had complete control of the Legislature; and the people, until the Reform Bill, had in reality no control; but now the people having a House of real representatives could no longer endure the power of the hereditary branch. The truth that he uttered, ought to be universally known. But be that fact as it might, the Lords would soon be convinced, that the people would not be satisfied with what they had now obtained; that the people viewed the Municipal Corporations' Bill as only the first result of the Reform Bill, and that the passing of the Bill now before the Lords was expected, and would be urged by the nation.

Mr. *Ruthven* most sincerely wished to see a good and sound understanding restored between that and the other House. He hoped that House would pursue a calm and cautious course, to prevent any dangerous collision between the millions of the United Kingdom and a small party in the other House; but, at the same time, he hoped that this House would not degrade itself by any concession of the just rights of the people, which would only precipitate the calamity they were all anxious to prevent.

Mr. *Scholefield* said, that the meeting alluded to by his hon. Colleague had been characterized by the greatest firmness of purpose, combined with the greatest moderation. He would not have alluded to it at all, if it had not been for the uncalled-for observations of the hon. and learned Member for the University of Dublin. His hon. Colleague had used the power and confidence reposed in him by the people with the greatest moderation and sound judgment, and had conducted himself with the highest credit and in the most exemplary manner.

Petition to lie upon the Table.

HOUSE OF LORDS,

Monday, August 24, 1835.

MINUTES.] Bills. Read a second time:—Clerk of the Crown; Duties on Wood Collection; Insolvent Courts; Special Constables; Hereditary Revenues (Scotland).—Read a third time;—Highways.

Petitions presented. By the Earl of ABERDEEN, from three Places, against any Alteration in the Timber Duties.—By the Earl of WICKLOW, Lords SKELMERSDALE, DOWNES, and FARNHAM, and the Bishop of BATH and WELLS, from several Places,—against the Irish Church Bill;—and by the Earl of RADNOR, from Chorley, in favour of the same.—By Lord TEYNHAM, from Drumbo, against Tithes.—By Lord FARNHAM, from two Places, against the Tonnage Admeasurement Bill.—By Lord AMHERST, from Sevenoaks, against the Poor-Laws' Amendment Act.—By the Earl of MINTO, and Lords BROUGHAM, DUNCANNON, and GLENELG, from a Number of Places,—in favour of the Municipal Corporations' Bill.

PRISON DISCIPLINE.] The Duke of Richmond moved that their Lordships do agree with the Amendments of the Commons in the Prison Discipline Bill.

The Marquess of *Salisbury* complained that, as the Bill now stood, the Bridewell Hospital was improperly subjected to its jurisdiction, and he pressed the noble Viscount at the head of the Government for a promise to bring in a Bill early next Session to remedy this error. He said, that he felt an interest in the question, only as one of the Governors of Bridewell, and he believed that the government of the place had not been made a subject of censure. He believed that the noble Lord now at the head of the Home Department had promised the noble Duke that this alteration should be made in the present Bill, yet it had gone through the Commons without the alteration. Under these circumstances he pressed the matter on the attention of the noble Viscount.

The Duke of *Richmond* said, that this Bill could not be altered in the respect desired by his noble Friend, because, if it were, other persons, governors of particular prisons, as for instance the governors of the City prisons, would apply for a like exemption. The City prisons were known to be among the worst managed in the empire, and if such an alteration were to take place with regard to them, there would be an end to the utility of the Bill. He believed his noble Friend was right in saying that Bridewell was well governed, but the object of the Bill was to introduce one uniform system of prison discipline; and he did not see how Bridewell was to be exempted from that uniformity of system which was to be enforced with regard to all the rest. It was true that the noble Lord in the other House had made the promise stated; but afterwards, when the full force of the objections to it came to be felt, he for one did not think himself justified in calling for the performance of the promise; and therefore the Bill was allowed to retain its present shape.

Viscount *Melbourne* said, that he could not make any promise of the sort required by the noble Marquess. They had already heard the objections to granting an exemption from the Bill to the Bridewell prison; and he confessed that he did not like to take on himself the responsibility of again introducing the question.

The Commons' Amendments agreed to.

THE DARLINGTON PETITION.] The Marquess of *Londonderry* said, that the other day a noble Duke, whom he now saw in his place, had presented a petition from Darlington in favour of the Municipal Corporations Bill. Now it happened, that from no other place in the county of Durham had any petition come in favour of this Bill—the only petition of the sort was the petition from Darlington, so pompously shown up—so pompously exhibited by the noble Duke. Now, he wished to state, in the presence of the noble Duke, some information which he had received on the subject of that petition. He held in his hand a letter which he would now read to their Lordships. The letter referred to the statements in the newspapers, that the Duke of Cleveland had presented a petition, described as numerously and respectably signed by the inhabitants of Darlington, in favour of the Municipal Corporations' Bill. The writer apprised his Lordship, as a Peer of the realm, of the origin, progress, and character of this petition. He said, that it was not agreed to at a public meeting; that it was hawked round the town for signatures, and lay for several days at bakers' shops, and was signed by boys, who did not understand the import of it, and after rehawking it about the town, was dispatched to London without its existence being known of by one-twentieth part of the population of Darlington. The writer added, that he had been requested, by the respectable inhabitants, to draw up a petition against the Bill, and such a petition would have been more respectably signed than the other; but he had declined to comply with the request, as Darlington was not a Corporate town. This letter, of which the writer said, he had sent a copy to Lord Lyndhurst, whose labours respecting the Bill, the writer praised, was signed "Thomas Hawler," and he (Lord Londonderry) understood the writer to be a very respectable inhabitant of the town of Darlington.

The Duke of *Cleveland* said, he should make but a few remarks in answer to what had fallen from the noble Marquess. He should first say, that the name of the individual who had sent the letter was perfectly unknown to him, and as he was pretty well acquainted with all the persons of respectability, and all the principal inhabitants of the place, he must be permitted to doubt whether this individual was one of that description. He had that morning received information that such a letter as that which the noble Marquess had read had been sent to Lord Lyndhurst. Of the petition itself, he should only say that he believed it to deserve the description he had given it, and that he thought it the duty of every individual in that House to present petitions which were sent to him, if they were properly worded. With regard to the writer of the letter read by the noble Marquess, he ought to say that his informant described that person in a very different manner from that in which he was described by the noble Marquess. With respect to the supposed pomposity in presenting the petition, he trusted he might say that he believed his conduct in that House was never such as to show that he desired to be or to appear presumptuous in the discharge of his duty. The noble Marquess had remarked that this was the only petition in favour of the Bill presented from the county of Durham. That was certainly an error, for the noble and learned Lord near him (Lord Brougham) had presented one from Gateshead. [The Marquess of *Londonderry*: That is not in the county.] He must beg pardon of the noble Marquess. He knew something of the county, and Gateshead was as much in the county of Durham as was Darlington or Stockton.

The Marquess of *Londonderry* was obliged to the noble Duke for his geographical lecture. What he meant to say was that it was so entirely monopolised by Newcastle of which it was in fact a suburb, that he looked upon it as part of Newcastle.

Lord *Brougham* said, that with equal reason the noble Marquess might say that Newcastle was not in the county of Northumberland—the two towns were on the two sides of the river, which divided the two counties.

Subject dropped.

THE TITHES AND CHURCH (IRELAND) COMMITTEE.] Viscount Melbourne moved the Order of the Day for the House to resolve itself into a Committee on the Tithes and Church (Ireland) Bill.

The Duke of *Cumberland* said, that if he merely considered the principle of the Bill on the Table he should vote against the Motion for the House to resolve itself into Committee. It appeared, however, that some parts of the Bill were necessary, and he should, therefore, consent to the Motion, reserving to himself the right to oppose any part of the Measure. The noble and learned

Lord would no doubt say, that he was an unfair opponent of the Measure. He might undoubtedly be wrong, but he was sincere in his opposition to the Bill, and he should proceed in the course he had indicated, though the noble and learned Lord might say it was not a straight forward course. The noble and learned Lord, generally assumed as a matter of course that he was in the right, and those who acted against him were generally in the wrong.

Lord *Brougham* believed that he had never charged the illustrious Duke with being an unfair opponent; on the contrary, he did not know a more straightforward opponent of those measures which he (Lord Brougham) approved of than the illustrious Duke. He generally differed in opinion from the illustrious Duke, and of course he did not consider the illustrious Duke in the right.

The House went into Committee. The preamble was postponed. Clause 1 was agreed to.

On Clause 2 (charging land with a rent-charge equal to seventh-tenths of the tithe-composition) being put,

The Marquess of *Westmeath* stated, that he never willingly would sanction the principle of taking thirty per cent. of their incomes from the clergy, which he could not help regarding as spoliation. He could not excuse the late Government for introducing a Clause of this kind into their Irish Tithe Bill. He was aware that it was partially entailed on them by the errors of the previous Governments. It was particularly hard on those of the clergy who lived in the parts of Ireland were tithes where easily collected. It was not his intention to move an Amendment but he should say "No" to the Clause.

Clause agreed to, as were clauses 3 and 4.

On Clause 5 (if any person who would have been liable to tithe composition held under the person liable to the rent-charge, the amount may be received as rent) being put,

The Marquess of *Westmeath* said, that the landlords were made liable for the payment of the clergy, and it was hardly possible to tell in what situation they might be placed in the course of a few years. It was throwing a burden upon the landlords.

The Marquess of *Downshire* stated, that there was a great difference between the difficulties of collecting tithes in the north and south of Ireland. There were more compositions in the north, and more collections of tithes in kind in the south of Ireland. The difficulties were therefore much greater in the latter than in the former case. He felt convinced, that unless his Majesty's Government took up the subject firmly and coolly, and supported the landlords in carrying this Clause into effect, the greatest evils would follow.

Lord *Carbery* thought the operation of the Clause would be attended with great injustice in the south of Ireland.

The Earl of *Wicklow* remarked, that he saw with regret such a Clause as the present in the tithe measure introduced by the late Government. His Majesty's present Ministers had adopted that Clause, and it would now be almost useless to oppose it. There were many instances in Leinster of landlords having taken upon themselves the payment of tithes; which could not be said to be confined to the north.

The Clause was agreed to.

On Clause 7 (Rent-charges to be under the management of Commissioners of Land Revenue) being read,

The Duke of *Wellington* said, that he had an Amendment to propose. He objected to taking the management of the property of the Church from the clergy and handing it over to the management and control of the Commissioners of Woods and Forests. He did not see any reason for this arrangement. He protested against it, as it would make the clergy stipendiaries of the Crown. He thought that it was a great advantage that the clergy were independent of the Crown. The object of his Amendment, therefore, was to place the collection of the rent-charge in the hands of the Ecclesiastical Commissioners and not to appear to give all the Ecclesiastical property in Ireland to his Majesty by having the income collected by the Commissioners of Woods and Forests, and handed over by them to the Ecclesiastical Commissioners. He was aware that by the course he proposed the clergy might suffer some diminution of their incomes but he preferred this degree of inconvenience to that which would necessarily attend allowing the income of the clergy to remain in the hands of the Commissioners of Woods and Forests. This was not only his opinion, but, also, that of the clergy at large, and more particularly the clergy of the Irish Church. The noble Duke concluded with moving that all words relative to the Commissioners of Woods and Forests be left out of the Clause, and that the words "Ecclesiastical Commissioners" be substituted.

Viscount *Duncannon* understood the noble Duke to wish to have the management and collection of the rent-charge left to the Ecclesiastical Commissioners instead of the Commissioners of Land Revenue. He (Lord Duncannon) was at a loss to understand how the Ecclesiastical Commissioners could collect this money. He thought that the great object in view was to prevent the clergy having any participation in the collection, so that they might not be brought in collision with the payers. The noble Duke was, of course, aware that under this Bill the Ecclesiastical Commissioners were to issue their warrants on the Commissioners of Land Revenue for the payment of the incomes of the clergy, and it would be incumbent on the Government to make the payments although the rent-charge might not be paid. The clergy of Ireland, then, under any circumstances would receive their incomes. Again, the amount would be collected at a much less expense by the Commissioners of Land Revenue, who had now an extensive machinery for the collection of the Crown Rents in Ireland. If the Ecclesiastical Commissioners were to collect the amount they must have an extensive machinery, and a great expense would necessarily be incurred. This, however, would be avoided by following the course laid down in the Bill. The Land Revenue Commissioners also possessed greater powers to enforce payment than possibly could be intrusted to other persons. He was anxious to learn from the noble Duke the nature of the powers he intended to confer on the Ecclesiastical Commissioners in the collection of this Revenue. He repeated that he did not see how the Amendment could be carried into effect.

Lord *Hatherton* wished to know whether the noble Duke proposed that the Ecclesiastical Commissioners should be intrusted with the collection of lay tithes?

The Duke of *Wellington* intended that the Ecclesiastical Commissioners should only collect the tithes belonging to the clergy.

Lord *Plunkett* did not think that the noble Duke could have turned his mind to the working of this Clause when he proposed his amendment. It was clear that the Ecclesiastical Commissioners could not act as the noble Duke proposed, without being intrusted with extraordinary powers. The Crown, as the clause stood, was to become accountable for the payment of the clergy, and it would be most extraordinary if the Crown was not to collect the rent-charge by its own officers. Did the noble Lord opposite mean to say, that the clergy of Ireland were anxious to collect their own revenue?

A *Noble Lord* said, that the clergy individually did not desire this, but they were anxious to have their revenue collected by the body of the clergy.

Lord *Plunkett* did not see the distinction. Every individual clergyman was to be exempted; and still it was said that the body of the clergy at large, he presumed, as a corporate body, were to collect the revenues. He had never met with a single clergyman who was not anxious to be relieved from the collection of tithes; but it appeared they were not so as a body. Whatever might be the case with the noble Duke, he (Lord Plunkett) had never had the good fortune to meet with the corporate body of the clergy; but he repeated, all the individuals he had met with were anxious to get rid of the collection. He would avail himself of the present opportunity of stating that he believed that the greatest errors prevailed among the great body of the Irish clergy with respect to the provisions of this Bill. Great exertions had been made to procure declarations from the clergy of Ireland against it, and the attempts had often been too successful. It was very easy for noble Lords, who did not know what was passing in Ireland, to propose amendments like the present; but he could not help feeling deeply for that excellent body of men—the Irish clergy. There was now existing sufficient machinery in connexion with the Woods and Forests to insure the collection of the revenue of the Church at little expense; but if the course recommended by the noble Duke was adopted, the charge could not be less than from 10 to 15 per cent. more than would otherwise be required.

The Earl of *Winchilsea* agreed in the propriety of an amendment like that now proposed. He was most anxious to provide for the clergy, and was also anxious to prevent them from being brought into collision with the tithe-payers; but he could not agree in the arrangement proposed in the Bill, as he looked upon the property of the Church as a species of private property. The revenue of the Church was not public property; but the Church had been chiefly endowed through the piety of individuals. He never would sanction the proposition that the clergy should become the stipendiaries of the Crown.

Viscount *Duncannon* stated, that the

revenue was to be collected by the Woods and Forests, and then handed over to the Ecclesiastical Commissioners.

The Duke of *Wellington* had no objection to postpone his amendment. He was perfectly aware that difficulties might arise with respect to the collecting the revenue, and that they might be diminished by letting the management remain with the Commissioners of Woods and Forests; but he thought that it would be alike advantageous to the clergy and the public to leave the management and control of the property in the hands of those to whom it belonged.

The Earl of *Ripon* was glad that the noble Duke had consented to postpone his amendment. He did not see what advantage would be gained by adopting the mode of collection proposed by the noble Duke. There was but little difference in principle between the two propositions; but the arrangement in the Bill was infinitely more advantageous to the clergy. The Crown was to be made responsible for the payment of the clergy, and the 96th Clause enabled the Treasury to advance an amount to the clergy equivalent to the current year's income out of the Consolidated Fund. If the Bill empowered the officers of the Crown to make advances of money to the clergy equivalent to the revenue of the Church for the year, surely the Crown must have the power of collection. If they transferred the collection to the Ecclesiastical Commissioners, they could not call upon the Treasury to make the advances. He did not think that it was for the interest of the clergy, that the Amendment should be pressed.

Lord *Ellenborough* admitted that an apparent immediate advantage would be gained by pursuing the course prescribed in the Bill, but this would be to sacrifice permanent considerations. He trusted that his Majesty's Ministers would turn their attention to the subject before the Report was brought up. He was sure if some arrangement of the kind now suggested by his noble Friend were adopted, that it would conciliate the clergy of Ireland, and remove that exaggerated feeling which many of them entertained as to the transference of all the revenue of the Church from the clergy to the Crown. As the Bill now stood the Commissioners of Land Revenue could, with the consent of the Treasury, make advances equivalent to the year's income. There probably would be on deficiency in the income of the Church for the first few years, but this might not continue for a series of years. The question then was, supposing that there was not a sufficiency of funds to pay the incomes of the clergy, how was the money to be applied? Was it intended that those who presented their drafts first should be paid in full, while those who did not present their warrants so soon should be told there was no money in the coffers? or was it intended to throw on all the clergy any deficiency that might arise? It was necessary not only to provide for the current year, but for future years.

Viscount *Duncannon* did not think there was a chance of collecting tithes in Ireland unless the measure was carried in a conciliatory temper, and enforced with discretion and moderation. He believed that the landlords and the great body of the people of Ireland were willing to carry this Bill into effect with such temper. The hon. and gallant General who was Secretary for Ireland under the late Administration, stated, that the collection of tithes had, in point of fact, ceased in Ireland. He could not conceive how the adoption of this amendment would lessen the difficulties which would otherwise exist with respect to carrying into effect the provisions of this Bill.

Lord *Ellenborough* was quite prepared, and believed all the noble Friends with whom he generally acted were equally ready, to make very great concessions with a view to establish the principle of this measure in conformity with the course taken by the other House of Parliament, so far as regarded the manner in which the clergy were to be provided for in Ireland. He said this with the utmost sincerity, though he felt how many objections existed against part of the Bill. He knew the full extent of all the difficulties of the question perhaps better than he did last year, because he had been since called on to consider the subject as a Minister of the Crown, and he frankly confessed the difficulties in the way of a satisfactory adjustment of the question appeared almost insuperable. He believed it to be impossible to bring in any Bill for the settlement of tithes in Ireland against which objections might not be stated that must be fatal to a measure on any other subject. At the same time he also felt that the thing must be done. He was therefore anxious, as far as possible, to agree in the measure as sent up from the House of Commons, and he believed that, with the exception of two or three points, he and his noble Friends should be able to concur in the greater part of the Bill, as far as it related to tithes. They would do so, and then they would ask the noble Viscount opposite whether, by the intervention of a new principle of appropriating church property, he and his friends were determined to prevent a settlement of the question?

Lord *Farnham* thought that their Lordships would render the proposed plan only temporarily inconvenient by inserting a clause for the redemption of tithes. If they took this course, in his opinion but a short time would elapse till the whole would be redeemed by the parties liable to pay tithe. He was afraid, lest by perpetuating the charge of tithe on the landlord, they might expose the payment of rents in Ireland to the same unpopularity as attended payment of tithe. If they adopted the redemption clause introduced into Sir Henry Hardinge's Bill, it would be attended with great advantage, and would finally settle the question satisfactorily; meanwhile, he thought that for the intervening time till tithe redemption came into operation, they might tolerate the present principle.

The Earl of *Wicklow* would throw out for the consideration of the Government, whether it could not be contrived that even if the collection remained with the Commissioners, as proposed by the clause, the funds should not be transferred to the Ecclesiastical Commissioners more immediately and more simply. He thought it hard that the additional charge of sixpence in the pound for the cost of collection should be laid upon the clergy.

Clause agreed to, as were clauses 8 and 9.

On Clause 10, which provides that the grounds upon which applications for revision may be founded shall be submitted to the Commissioners of Land Revenues for their consideration, and if found sufficient that such revision shall be allowed,

Lord *Ellenborough* objected to the Clause, and hoped that the House would join him in rejecting it, especially as the noble Viscount at the head of the Government had admitted that this Clause was not defensible in point of principle. The Clause opened tithe compositions without any limitation, from the period of Mr. Goulburn's Act, in 1815, downwards. It required evidence of what had been collected on account of tithes so far back as 1815. Though there had been 1,505 tithe compositions under Mr. Goulburn's Bill, there were only thirty-nine appeals, and the amount of composition had been reduced in not more than three cases. Under the Bill introduced by Lord Stanley for compulsory composition, there were eighty appeals, seven of which had not been adjudicated, and in only 14 cases were the compositions reduced in amount. These circumstances clearly proved that there had not been excess in fixing the amount of composition. Lord Stanley's Act gave a power of revision. Where parties acted under Mr. Goulburn's Bill, the Lord-lieutenant could afford them redress if they were dissatisfied, call a meeting, petition, and show the existence of concealment or some other sufficient cause for re-opening the composition. Under this provision there had been only six appeals, of which four were dismissed; in one case the composition was raised, and in one only it had been diminished. Was it fair to open every tithe composition in Ireland, not merely on account of fraud, concealment, or circumvention, for in those cases compositions could be opened under Lord Stanley's Act, but where the corn averages had varied, and on *ex parte* statements? He objected to the Clause on the ground that sufficient room for appeals had been already given, that little or no abuse had been shown in making the compositions, and that every opportunity had already been afforded for correcting anything that was wrong. The avowed object in this Bill was to establish good order and tranquillity in Ireland. Could they do that by inducing litigations between every clergyman and his parishioners? He could imagine nothing so likely to disappoint the expectations of the Legislature as this clause. The noble Viscount admitted the clause to be indefensible in principle; he (Lord Ellenborough) thought it would be injurious in practice, and he therefore called upon their Lordships to discard it.

Viscount *Melbourne* said, that the admission he had made, with respect to the principle of the Clause, had been extended rather further than he intended, and more stress was laid upon the matter by the noble Baron than any thing he could say deserved. However, he was perfectly ready to admit, that, generally speaking, it was not advisable to open tithe compositions; and, therefore, in so far was the present Clause not perfectly reconcilable with a strict adherence to the principle he had laid down. But let noble Lords see what were the reasons for a departure from that principle. It was generally admitted that great dissatisfaction prevailed at many of the existing compositions, that they were felt to be onerous and burdensome, that some had been entered into on the basis of a price of corn much too high, that others were fixed carelessly, and without sufficient inquiry; and, on these grounds, though such revisions were not in general advisable, yet, under all the circumstances, it was thought proper to admit of a deviation from the strict principle, for the purpose of letting in a re-adjustment of those compositions. With respect to the compulsory compositions effected under Lord Stanley's Act, almost everybody admitted them to require revision. They were entered into at a time of great excitement; when people did not care whether the compositions were fixed at a rate high or low; for it was their firm determination not to pay tithes at all. This showed the necessity for a revision of compositions made under such unfavourable circumstances. There was a strong opinion on this subject on the part of the landlords of Ireland, as was evident from what had passed elsewhere. The landlords had agreed to terms onerous to them, on the faith of this among other provisions; and if their Lordships struck out those conditions, they would not find that willing consent to the Measure which could alone lead to a satisfactory settlement of the Question. He wished for the success of the Measure in Ireland, and with that view was anxious that the Bill should stand as it did.

The Earl of *Wicklow* thought that every word which had fallen from the noble Viscount justified his noble Friend's argument. The noble Viscount said that many contracts had been entered into when the price of corn was high, but the Bill provided a remedy for this in letting in future averages. The noble Viscount stated, that the parishes which had most reason to complain of the compositions were those that came under the operation of Lord Stanley's compulsory Act, and that such was the excitement that prevailed, and so determined were the people not to pay tithes in future, that they were careless what might be the amount of composition. Were parties to be allowed to take advantage of their own wrong? And was a new door to be opened to excitement by the present Clause? If their Lordships agreed to this Clause, he would rather have no Bill passed on the subject at all.

Lord *Carbery* said, that a Bill of this kind never would answer the purposes for which it was intended, so long as any class of the people of Ireland were discontented with its leading enactments. Though he was against opening voluntary compositions, he was in favour of opening the compulsory compositions under Stanley's Act, but no other.

Lord *Hatherton* felt himself bound to support the Clause, as he knew that many compositions had been made in ignorance of the most important facts, although with the best intentions and the strictest integrity on both sides. He begged leave to remind the noble Baron, that the number of appeals made did not depend on the merits of the appeals themselves, so much as upon the sufficiency of the terms under which they were allowed. One of the conditions under which appeals were allowed was, that they should be lodged within six weeks from the day of the passing of the Act, and that had limited the number of appeals very considerably. He was of opinion that if these Clauses remained part of the Bill, not many appeals would be lodged under them.

The Bishop of *London* said, that from the statements of the noble Viscount, it appeared to him that the grounds for this Clause were entirely cut away. He asked their Lordships whether they were prepared to infringe further upon property which was too much reduced already, in order to satisfy, not the people of Ireland, but a few turbulent and tumultuary spirits in that country? He called upon such of their Lordships as were best acquainted with the state of Ireland, to declare whether there was a single composition in that country under which the clergyman received a fifth part of the amount strictly due to him by the law for his tithe? He knew that, of the numerous witnesses examined upon that point before a Committee of their Lordships, there was not a single one who did not admit that the clergy of Ireland did not receive a fifth of what was legally due to them. He would undertake to show, at a future stage of the Bill, that the cause of all these disturbances was the iniquitous conduct of the Irish Parliament in doing away with the tithe of agistment.

[A desultory conversation ensued, in which the Earl of Ripon, Lord Fitzgerald, the Marquess of Westmeath, the Earl of Harrowby, the Earl of Winchilsea, and Lord Lyndhurst on the one side, declared their intention of opposing the Clause; and in which Lord Duncannon, the Marquess of Clanricarde, Lord Brougham, and the Marquess of Lansdowne on the other side, declared their intention of supporting the Clause. The Clause was in the end struck out.]

On Clause 40, providing that tithe compositions should be increased or diminished according to the price of corn during the last seven years, as compared with the prices stated in the certificate thereof, and the amount of the rent-charges calculated accordingly, and a little variation according to the price of corn should take place every year in the amount of rent-charges, being put,

Lord *Ellenborough* proposed to omit the Clause, on the ground that it would operate in direct violation of the contracts entered into under the Tithe Acts respectively introduced by Mr. Goulburn and by Lord Stanley. The contracts made for composition under the Bill, and the amended Bill of Mr. Goulburn, had been respected in the Measure of Lord Stanley; and with respect to those compositions, he trusted the Government would now be as honest as it was when the latter Bill passed. He should, under this feeling, move that the Clause be struck out.

The Earl of *Wicklow* supported the original Clause, as giving a protection to the landlords, whose interests had hitherto been lost sight of, and upon whom an additional burden was now thrown, in the consideration of those of the clergy. He considered that this Clause was only carrying out the principles of the Bill of Lord Stanley; and on all these grounds he was more disposed to support the original Clause than the Amendment proposed by the noble Baron.

Viscount *Melbourne* was of opinion, that the Clause as it stood would correct the evils of a fixed period of average, and, instead of inflicting injury upon any, would be beneficial to all parties. If the Clause applied to voluntary contracts alone, he would admit the justice of what had been said; but it should not be forgotten, compulsory contracts existed.

The Marquess of *Westmeath* thought the Clause as it stood would create great confusion and injustice.

Lord *Hatherton* supported the Clause, as without it the Bill would work a great injustice upon the landlords of Ireland. It could not be productive of disadvantage to the tithe-receiver, while, on the other hand, it was only a provision of strict justice to those upon whom a heavy burden was by this Bill to be placed,—namely, the landowners.

Lord *Lyndhurst* said, that on the terms of the law, as fixed by the measures of Mr. Goulburn, and re-established under that proposed and passed by Lord Stanley, contracts for compositions had been entered into for twenty-one years, and he would ask on what, or with what justice, could this House set aside the agreements and contracts so entered into? Those parties to such engagements were entitled to the full benefit of the bargain they had made. He would ask their Lordships, if in the case of a contract for a Government loan, they would interfere, supposing the price of stocks rose 20 and 30 per cent.? Would they consent to step in between the parties and their fair profit under their contract? Such was the case here; the parties to these contracts and agreements were entitled, as he had already said, to the full benefit of their bargains, and on these grounds he should support the Amendment by which these agreements would be maintained inviolate.

Lord *Ellenborough* said, that if this Clause was struck out, as he had moved, it was his intention, on bringing up the Report, to propose the insertion of a Clause with a view to the protection of existing rights of parties now under compulsory contracts, and to extend the same to the rent-charges created under this Bill.

The House divided upon the Question that the Clause stand part of the Bill: Contents 35; Not Contents 126; Majority 91.

List of the CONTENTS,

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Lansdowne
Westminster.
Conyngham.
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Headfort.

EARLS.

Ilchester.
Minto.
Radnor.
Burlington.
Leitrim.
Sefton.
Errol.
Lichfield.
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Scarborough.
Wicklow.

VISCOUNTS.

Melbourne.
Duncannon.

BARONS.

Auckland.
Holland.
Glenelg.
Plunket.
Hatherton.
Teynham.
Howard of Effingham.
Barham.
Cloncurry.
Dunally.
Strafford.
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Dormer.

BISHOPS.

Bristol.
Chichester.
Hereford.

Clause omitted.

Clauses 41 to 60, inclusive, were agreed to without comment.

Upon Clause 61 being read, which enacts that upon the next vacancy of the church of any parish in which there are not more than fifty members of the Established Church, such church may be sequestered, and no appointment of a clergyman to such church shall be made until the Lord-lieutenant in Council shall think fit so to direct; and that during such period of sequestration the rents, profits, and emoluments thereof from time to time accruing due, and all arrears which may have accrued, shall without any writ or process whatsoever be vested in and received by the Ecclesiastical Commissioners, who shall have all the remedies for the recovery thereof that had belonged to the incumbent,

The Earl of *Haddington* said he rose to call the attention of their Lordships to this Clause, and to those which followed it, to Clause 88 inclusive, as parts of this Bill by which a most deadly blow was aimed at the Protestant religion in Ireland. In doing so, he feared he should have to trespass on their Lordships' indulgence for some time. He was sorry that he could not make the subject interesting, but he was much relieved on this head by knowing that it was one of the most vital importance, which of itself would excite deep interest in the minds of their Lordships. In the remarks which he felt it his duty to make on it, he assured the House that he would take up as little of its time as possible. It was his intention to move, as an Amendment, that the Clauses 61 to 88, both inclusive, should be struck out of the Bill; and, first, he would state briefly to the House the substance. The noble Lord then read Clause 61, as already given. He went on to say, that by Clause 62 it was provided, that where there were no members of the Established Church, in such parish the occasional duty should be committed to a neighbouring minister. The next Clauses provided, that where there were any resident members, or where there was at present a resident minister and a Church or Chapel, the duty might be committed either to the neighbouring minister or to a resident curate; but the next Clause enacted, that where there were some Protestant inhabitants, members of the Established Church, but less than the magical number of 50, the incumbent or officiating minister of the neighbouring parish, who should perform occasional duty in it, should receive such sum, not less than 10*l.*, and not exceeding 50*l.*, as the Commissioners, by consent of the Lord-lieutenant in Council should determine; but if there were no resident Protestants, the remuneration for the occasional duty by the neighbouring clergyman was fixed at the small sum of 5*l.* in the year. Was that a fit remuneration to be offered for the services of a gentleman and a Christian minister? The next Clause was worthy of the serious attention of their Lordships. It provided that if in any such parish with a less number of resident members of the Established Church than 50, and where a curate might be appointed, and where there might be no consecrated place of worship, a sum not exceeding 100*l.* should be granted for the erection of a place of worship, or a sum not exceeding 15*l.* a-year should be paid for the rental or hiring of some suitable building for that purpose,—upon that Clause he would not offer one word of comment. By the next (the 68th) Clause, the Bishop of the diocese was to be associated with the Commissioners in providing for the spiritual wants of parishes coming under the operation of the Bill; and here he must say that the Bishop was very little mixed up with the regulations of the Bill, though it would be but natural to expect that he should have a direct interference in all matters connected with the spiritual wants of his diocese. The 69th Clause authorized the Commissioners to let or demise the whole or any portion of glebe-houses or lands of parishes coming under the operation of the Act, except such portion as any resident curate might desire to occupy. The 70th, 71st, and 72d, empowered the Commissioners to pay off charges on, and recover sums due to, such suppressed benefices, and, in case the sequestration should be removed, to charge a portion of such charges paid off on the succeeding incumbent. The next Clause authorized the Commissioners to disunite a parish having less than 50 Protestant inhabitants from any union in which it had been joined, and to deal with it as a single parish, and by the next Clause it was enacted, that if the union should be maintained, the income of the next incumbent should be subject to such reduction as the Lord-lieutenant should direct with respect to the extent of duty in those parishes of the union not containing more than 50 Protestants. The next Clauses provided, that where parishes were united to other parishes not contiguous, they should be disunited next vacancy; that charges on unions should be provided for, that glebe-houses or churches in disunited parishes should nevertheless be used for purposes of union, and that no episcopal union should be made without notice to the Ecclesiastical Commissioners. The 78th Clause provided that incomes derived from benefices in which divine service had not been performed for three years, and which were therefore suppressed under the Church Temporalities' Act, should be applied to the purposes, not of that Act, but of the present Bill. The next Clause provided for the reduction of benefices of which the revenues should be proportioned to the ecclesiastical duty, so that no benefice should be reduced below *300l.* The next Clause of importance to which he came was the 84th, which provided that the Ecclesiastical Commissioners should pay all the monies vested in them under the Act into the Bank of Ireland, to be there carried to a separate account, called the "Reserve Fund Account," out of which the various sums and charges to be paid by them under the Bill were to be defrayed, and the overplus to be paid into the Consolidated Fund. By the next Clause that fund was charged with the payment of *50,000l.* for the moral and religious education of the people, without distinction of religion. The remaining Clauses provided that the Lords Commissioners of the Treasury might lend and advance out of the produce of the Consolidated Fund such sum or sums of money as might be required for the purposes of the Bill, on the credit of the reserve fund. The 88th Clause required the Commissioners to make an annual report of their proceedings to Parliament. Now, he thought that in this abstract of the Clauses which he should propose to strike out, their Lordships would agree with him that there was ample matter for serious consideration. Here were the matters of two distinct Bills, and he was sure that even if their Lordships were disposed to concur in the Clauses he had just read, which he did not believe, they would admit at least that the present Bill was not that in which they should be introduced. Those Clauses went to encumber a Bill on the general principles of which, after what had passed that evening, it was seen that there was very little difference of opinion amongst their Lordships, by the introduction of a principle to which insuperable objections were raised, and to which he was sure the majority of that House would not assent. He should have thought that noble Lords opposite would have rested content with the abstract principle which had had such an effect in ousting their opponents from office, and placing themselves in the Government, and that they would have embodied it in a separate measure. However, he would not then enter into that Question, but he would call on their Lordships to make their stand and resist this first legislative attempt to divert the property of the Church to other than Ecclesiastical and Protestant uses. He would not enter into the question of the right of Parliament to divert property sacred, or otherwise, from the particular purpose for which it had been bestowed, but he must say that the assertion of such a right in the case of Church-property involved a principle fraught with great danger to the security of property in general. When he spoke of the Church, let it not be supposed that he stood there as the supporter of any of its abuses—that he stood as the supporter of pluralities and other abuses which had crept in by time, and which by the admission of the most sincere advocates of the Church ought to be remedied; but that was one of the reasons why he objected to this Bill as it now stood. If noble Lords opposite would insist on having a resident clergy, and each with only one cure of souls, then it would be necessary that they should provide a decent maintenance for those clergymen on whose constant attendance to that cure of souls they insisted. In that case there would be little left after such decent provision was made; but that little would be made less by the other payments which they would have to make out of the church revenues under the Bill. This, he repeated, was one ground of his objection. Now, he did not object so much to the principle of sequestration as to the principle on which it was made. *Pro hac vice,* there was a limitation to the principle as to place and numbers; but that limitation did not tend to lessen the dangerous operation of the measure. At present, the place in which the principle was to operate was confined to Ireland; but if they adopted that principle, the time might come when it would be considered that it should be applied to England also. In the majority of parishes in England the members of the Established Church composed the greater number of the inhabitants, but there were others in which they might and did now form the small minority. Here, then, was a precedent ready made to their hands, to be acted upon on a future occasion. The principle was limited *pro hac vice,* as he had said, to fifty Protestants; but what was there magical in that number that it should be always adhered to? Suppose the numbers of Protestants and

Catholics should be taken comparatively, and that there should be 100 Protestants and some 4,000 or 5,000 Catholics, the principle would be as applicable in that case as it was at present. But then the Bill carried with it a temptation. It promised a surplus revenue to be applied to other than Protestant Ecclesiastical purposes, and just the same arguments which were now used for the operation of the Bill on parishes where there were not fifty Protestants, might hereafter be used to extend its operation to cases where there were less than 100. He understood that there were in Ireland 2,505. [A noble *Lord:* the number is 2,405.] He had got the numbers 2,505, and of that number this Bill would strike at the existence of 860, that being the number of parishes which had less than fifty resident Protestants. It would then leave 1,645 with more than fifty, but there were 960 parishes with more than 100 Protestants, and 800 with between fifty and 100. These latter would probably be the next to be dealt with on the principle of the Bill, in order to satisfy those who were clamouring against the Established Church. No wonder that the success of this measure had been received with shouts in another place—no wonder that it should have been opposed by a majority of the county Members of England and Wales, and that at length its principle should have been carried by a small majority of the whole House, and that the number of that majority was not much more than the numbers of the Catholic Members of that House, under the influence of the hon. and learned Member for Dublin. Well might a measure so carried have the effect of striking terror into the Protestants of Ireland, and of inspiring their opponents with triumph. Reference was made on a former night by the noble Viscount to the Church Temporalities' Act, and the noble Viscount had appealed to their Lordships to pass this Bill because they had passed that Act, Now, one of his objections to this Bill was, that it interfered with that Act. There were many things in that Act of which he disapproved at the time, and which he still continued to disapprove, because he thought it did injustice to the prelates and to the clergy; but still there were parts of it which were good, and it was free from many of the most objectionable parts of the present measure. It did not interfere with the principle of Protestant numbers. It did not interfere with the appropriation of Church property to other than Protestant Ecclesiastical purposes. It did not interfere with the property of glebe-houses and lands. On the contrary, it provided for keeping them up, and assisted to enlarge and increase them. But the present Bill went to divert, in addition to its other objectionable parts, the funds created by that Bill to other and totally opposite purposes. It paid to the Consolidated Fund, certain sums in order to get out of that fund, a grant of 50,000*l.* to the education board. But there was one thing which was urged as a recommendation of the Church Temporalities' Bill—it was said to be a final measure; and he was sure, that if it had not been so described, it would not have passed their Lordships' House. The Bill had been supported by the right Reverend Prelate (the Bishop of London), who stated as one of his reasons for that support, that it was a final measure. He (Lord Haddington) and several other Peers did not vote at all on that occasion, but most certainly he would have opposed it if he had considered it not a final measure. What then, he would ask, was there in this Bill in common with the Church Temporalities' Bill? [Viscount *Melbourne:* the suspension of many benefices.] Yes; but not on the principle of the number of Protestants in the parish, and in cases only where divine service had not been performed in the parish for three years; but even in that case the funds were tied up, and not applied to any other than Protestant Ecclesiastical purposes. There was one part of his noble Friend's (Lord Melbourne's) appeal to their Lordships the other evening, which he could not pass without a remark. It was that part in which his noble Friend was pleased to be jocular, though, from the gravity with which he had urged the point, he (Lord Haddington) at one moment thought him serious. His noble Friend had reminded their Lordships that he had been asked, soon after his Government was formed, whether he considered himself pledged to the resolution of the House of Commons on the subject of appropriation, and he had answered in the affirmative; and his noble Friend went on to add, that though he had made that statement, the majority of their Lordships had taken no step to turn him out—that, on the contrary, though they had opposed him on some points, they had given a support to the general measures of his Government; and he asked whether, under such circumstances, it was consistent in their Lordships to oppose him on this occasion? Now, he would ask whether their Lordships had ever heard of such an appeal as that? Why, they had not opposed the noble Viscount's Government in every step which they took, because they were not unmindful of the times in which they lived, because they were not disposed to give a factious opposition, because they wished to give his Government a fair trial, and because their opposition was to measures and not to men. It was on these grounds that the noble Viscount's Government was not opposed; but for the noble Viscount now to turn round and say, that the Opposition should support the present because they had supported other measures of the Government, was, to say the least of it, a most extraordinary mode of arguing—certainly a most extraordinary ground for shifting the responsibility of the noble Viscount's measures on his political opponents. His noble Friend had made one admission as to this Bill, which ought to be fatal to it. He had admitted that it would be some discouragement to Protestantism, and to the Established Religion in Ireland. Now, though he would admit that the Protestants did not constitute a third of the population of Ireland, still he would assert that the Established Church in that country was the great prop of the connexion between the two countries, and on this point he would appeal with confidence to the Presbyterians of Ireland. It was because, amongst other reasons, he felt convinced of this truth, that he would not give his sanction to these clauses. By these clauses the Catholics were made the heirs to the Protestant Church in all the parishes where the Bill would operate; and from this feeling they had a temptation in every instance, where the attempt was not hopeless, to reduce the number of Protestants in each parish down, as had been said by a friend of his, "to the no-parson-point." Now, suppose there were fifty-five Protestant inhabitants in a parish, it would not be very difficult on the part of the Catholics, by means of intimidation, to drive them out, to make them wish to go where they might lead a quiet life. There was a temptation held out to them so to intimidate the resident clergyman as to induce him to create a vacancy; for in all those parishes where the Protestants were under fifty, the Bill would not come into operation until a vacancy was created by the death or resignation of the incumbent. Even from the short experience he had had in Ireland, he could assure their Lordships that they could not do anything more destructive to its tranquillity than to create any feeling which would rouse up the spirit of intimidation, and more particularly on grounds connected with religion. It had been said, that the sum of 50,000*l.* would be paid by the Consolidated Fund, and that that would lessen the temptation to which he referred. This might be true if all that the agitators of Ireland wanted was to get the 50,000*l.* for the purposes of education; but did any man who had any knowledge of the subject think that all those agitators wanted was the 50,000*l.*? Was it not notorious that they aimed at nothing less than the levelling of the Established Church? He had heard so much urged on the assumption of a surplus, that he felt it unnecessary to add a word to what had been said as to the absurdity of that assumption. There was not, and there could not be, any surplus of church revenue, if out of that was to be paid all that was charged on it by this Bill. To legislate, therefore, on the assumption that a surplus would remain, would be to play into the hands of those whose object was to undermine the Protestant Church. He felt that he had not been able to do justice to this subject, and he was sorry that it had not fallen into other hands. He would only add, that he could conceive a case of dire necessity urging a measure of this kind, which might induce men to concur in it against their conviction of its justice; but had any case of that kind been made out for this Bill? Had any pressure of the *sæva necessitas* been proved, or attempted to be proved, to justify this measure? Was there anything, and what, in the character of the Protestant Church of Ireland which called for it? That Church had been the subject of the grossest exaggeration. Its wealth was said to be enormous, while its members were said to be comparatively few. Its revenues were quadrupled, and the number of its adherents described to be less than a-fourth of the actual amount. The truth, however, had at last come out, and we now knew with tolerable certainty the amount of its revenues and the numbers of its members. It might be, and no doubt was, necessary to make a more equal distribution of the revenues of the Church amongst the clergy, but that could be done without spoliation. Was there, he would ask, anything in the character of its clergy which called for this Measure? He would say nothing of the character of the clergy of another church; but this he would assert with confidence, that the clergy of the Established Church of Ireland would stand a comparison not only with the Catholic priesthood of their own country, but with the priesthood of any country in the world:—more exemplary conduct, more zeal in the discharge of their duties, more piety in their own conduct, did not exist amongst any body of clergy in any country. No doubt there were anomalies in the Church of Ireland, but did the correction of those anomalies require that the church should be pulled down? Was that the reason why they should not consider it as one of the great links of connexion between England and Ireland? Was it, then, that the number of Protestant members was so small, compared with the mass of the population in Ireland? Was that a sound reason for taking from them that property which had hitherto been applied solely for their religious instruction? He would tell their Lordships that the time might come, and there was no telling how soon, when they might feel called upon to declare whether they would support or not the Protestant Institutions of this country. Let them not defer the declaration until it might be too late to make it with effect. He would not further trespass on the indulgence of the House, but conclude by moving, that the Clauses he had mentioned be omitted.

On the Question being put as to the omission of Clause sixty-one,

Lord *Glenelg* said, that he was as deeply impressed with the importance of this question, and as much alive to the great interests which it involved, as his noble Friend who had just sat down, or as any noble Lord in that House. He did not ask their Lordships to support those clauses on the ground of any comparison of numbers of Catholics and Protestants. If he asked their Lordships to support the Bill, he did so not on any ground of misconduct on the part of the Protestant Clergy, for he professed himself as ready as his noble Friend, or any other noble Lord, to offer the fullest testimony to the active virtues of that venerable body. Whatever they might have been at one period, since the Union there had been a rapid improvement in the character of the Irish Church in connexion with its Clergy; and he would add that at present there could be found in no Church a greater number of individuals eminent for zeal, piety, and learning. His noble Friend had not alluded to the actual condition of that Church in its relation to the great mass of the people of Ireland. His noble Friend had said that this Bill contained two measures which had no necessary connexion, and ought not to be joined in the same Bill. He would admit that the appropriation of a sum of money for the particular purposes of general education was not necessarily connected with the arrangement as to tithes, but the general object of both principles was the same; it was to promote the tranquillity of Ireland —it was to rescue the Church of Ireland from the great danger with which she was now threatened. To secure that object he would extend the benefits of education throughout Ireland, and in that respect the two measures, as his noble Friend called them, were the same. His noble Friend had admitted that there were anomalies in the Church. The object of the Ministers was to correct those anomalies, and improve the character of the Church in the estimation of the country. This would be a lasting benefit to the Church itself as well as to the nation, for he would admit with his noble Friend, that all who desired to continue the connexion of the two countries ought to support the Protestant established Church; and it was in the firm conviction that he should be doing the best for its support that he would give his cordial assent to the present Bill. The Protestant Church had in fact been made the victim of the policy of the State in former times; and it was suffering under the accumulated odium of a series of ages. Impartial truth he was afraid must admit that that Church was not established altogether with a view to the religious improvement of the people of Ireland. It was originally established by the cold dictates of a calculating policy, and intended only to form part of that machinery by which the political ascendancy of this country in Ireland was to be secured and perpetuated. How else could it be accounted for, that in Ireland alone the Protestant Church had failed to produce those fruits abundantly gathered from it in all other parts? Why, with the same doctrines, the same purity of principles that elsewhere united all in love and reverence towards it, had it in Ireland failed, not only to make converts, but even to gain friends? The consequences of this mistaken policy, and of the invidious position in which the Church had been placed, were not easily to be removed. The first great step, however, had been already taken in the improvement of the clergy; the next to be taken would be to transfer the payment of tithe from the tenant to the landlord, and this he considered would go far towards conciliation. It was certain, although there had been great exaggeration in the statements made, that the Irish Church had great wealth, ample endowments, princely possessions, and the impression was, that although it had more than was needed for the supply of all the moral and spiritual wants of the Protestants, yet that it was unwilling to give any portion to be laid out for the advantage of their Roman Catholic brethren. Their Lordships must look to the aspect of the country. To save the Protestant Church in Ireland from destruction it was necessary that the good will of the people of that country should be conciliated. What was not granted to the voice of thousands could not be withheld from the cry of millions. If the proposition before their Lordships went to injure the stability of the Church, he was of opinion that they should pause before they acceded to it; but, on the contrary, if it could be shown that it had the opposite effect, they should not hesitate a moment in adopting it. He denied that it was intended to strike any blow at the Irish Church by the mode in which it was proposed to deal with certain of the parishes. The Temporalities' Act had alreadyto some extent recognized the principle of numbers, and Ministers only extended its principle. He was ready to admit that the Clergy were extremely useful in their capacity of resident gentry, but they were frequently called upon to act as magistrates,and that was likely to be injurious to them in the estimation of their parishioners—their own flocks were small in number, and with them they could not be on the same terms of minute intimacy that might prevail if they were placed in a less exalted station, and which did exist between the Roman Catholic flock and the priest. As to the observation about the money proposed for erecting Churches, he thought it sufficient; 100*l.* would be enough to raise such an edifice as would accommodate a small congregation, and he thought that the poor and scattered Protestants would be materially benefited by this provision of the Bill, in having religious worship brought home to their door. His noble Friend had said that removing the Protestant Clergy from the parishes where there was no congregation was striking a blow at the existence of the Church; but when their Lordships came to reflect on the state of these parishes—in all of them very few Protestants—in some none at all—he thought they could not deny that it was doing no injury to the Church to rectify the evil. The next branch of the subject referred to education. He should not enter into the merits of the question of a general system of education, because it had been discussed before, and because his noble Friend had but slightly alluded to it. But he felt bound to say that he believed its extension would be highly advantageous to the Established Church of Ireland. The Established Church grounded its claims upon intelligence, and the more that was increased, the more converts there would be to the reasonable opinions entertained by it. To give a general education to the people of that country would be giving greater stability to the Church, and extending and perpetuating its influence. His noble Friend had touched very slightly on the principle of appropriation, and he (Lord Glenelg) should not, therefore, be tempted to trespass beyond the example set him. Whatever might be the general or abstract view of the subject, the practical sense of mankind had established the proposition that the Legislature might deal with Church property, and surely the surplus funds of the Church could be applied to no better purpose than the promotion of a system of moral education. The noble Lord himself, in agreeing to the distribution of Church property, recognized a difference between it and private property, and thereby assented to the principle which he had laid down, showing that Church property was to be regarded as property held in trust for public purposes. His noble Friend had next attacked the funds to be created for Church purposes by the Bill before their Lordships; but his noble Friend should not have confounded them as he did. He should have distinguished between those which were denominated the Reserve Fund, and those which accrued under the operation of the Church Temporalities' Act. The more the state of the Protestant Church in Ireland was considered, the more incumbent it appeared on those who were bound to protect it to put it in a condition of safety. If the opportunity which now offered were to be lost it might be too late to attempt it ever again. The agitation of Ireland was mainly derivable from the ill feeling engendered in connexion with the Church; that agitation was great, and by no means decreasing. Their Lordships, indeed, were so used to hear of disturbances and tumults in Ireland, that the alarming tale had ceased to make the due impression on them. If their Lordships were told of any other people in these dominions being in the same way, they would feel themselves bound to take immediate and effective steps to bring them into a state of tranquillity. In conclusion, he said, that however auspicious might be their prospects elsewhere, so long as Ireland continued in its present state this great empire never could enjoy perfect security.

The Bishop of *London* spoke as follows:*—"My Lords, there cannot be a clearer and more demonstrative proof of the viciousness of those principles upon which the measure now before your Lordships is based, than the fact, that the noble Lord who has just addressed the House, gifted as he is with talents of the highest order, with commanding powers of eloquence, and with refined and exalted feelings, should utterly have failed in making out a case for its defence. The noble Lord will, I trust, excuse me, if I express my belief, that, in the present instance, his feelings have interfered with his talents, and rendered his eloquence ineffective. I am sure that he feels in his heart a secret compunction, and a generous warmth of sympathy for the calamities of that unfortunate class of men, whose difficulties will be grievously aggravated by the present measure; a class of men to whose excellence the noble Lord himself has borne ample testimony, and has honoured them with his eulogy, while he starves them by his Bill. My Lords, I have risen with great hesitation to address your Lordships, and should probably have forborne to intrude myself upon your notice, had it not been for the personal reference which has been made to me by the noble Earl, whose Motion I support. That noble Lord has said, and said truly, that I was induced to vote for the Bill of 1833, relating to the Church of Ireland, by the repeated assurances given his Majesty's Government, that it was intended to be a final measure of settlement and conciliation. My Lords, there were some parts of that Bill to which I certainly entertained very strong objections. In giving my vote for that measure, I stated distinctly that I did so with reluctance. But there were also parts of the Bill which I thought calculated to benefit the Church of Ireland and to increase its efficiency; and upon the whole, as long as I was not called upon to sacrifice any essential principle, I felt myself called upon to give it a sincere, though in some respects a reluctant support. But I did so, my Lords, upon the express assurance that it was to be final. And when, in the course of the last Session, speaking of the Commission of Inquiry which had been sent into Ireland, and expressing my strong disapprobation of it, I urged this point, and reminded his Majesty's Ministers of their declaration that the measure of 1833 was to be final, no member of the Government—and some were then present, whom I do not now see in the House—rose up in his place to deny the statement. I repeat the statement now, my Lords, in justification of the course which I am pursuing, in offering my determined and uncompromising opposition to the measure now under discussion.

I now proceed to consider the measure itself. My Lords, there appears to me only one alternative between the branches of which the Government have to make their choice. I have looked at the question in every point of view; I have considered it carefully and anxiously, and I can see no way by which the proposers of the Bill can escape from this dilemma: either there is an overwhelming necessity for this measure (and I do not expect that any Member of this House will venture to stand up and say, that any thing short of the most overwhelming necessity can justify the proposal of a measure indefensible in principle)—either there is such a necessity, or there is not. If there be not, the whole question falls to the ground; there is no defence: it is *res conclamata.*

But if there be this overwhelming necessity now, I would ask, was there not the same in the year 1833? What has occurred since that time, to make the necessity more imperious and overpowering? Where is the difference to be found? If there was no difference, if there was then as urgent a necessity as there is now, the Government was not justified in suppressing the fact, in slurring over the emergency, in abstaining from an endeavour to persuade your Lordships to adopt a measure which they knew then, if they know it now, to be of urgent and paramount importance. But no such necessity was then admitted to exist; on the contrary, its existence was vehemently denied, by none more vehemently than by the very framers and supporters of this Bill. No, my Lords, it had not then assumed the consistency and force of necessity. It was a mere abstract principle, a speculation, floating in the political atmosphere in the form of vapour, which it required a storm in the political atmosphere to condense into a thunderbolt, in the shape of a legislative enactment, destined to fall upon the devoted heads of the Protestant clergy of Ireland. No, not destined to fall; for your Lordships will yet interpose the shield of justice to screen them from the fate to which they seem to have been appointed. But was there then no necessity for this measure? Ah, yes, my Lords, there was a necessity; but of what kind? Of such a kind as an honest and constitutional statesman will not be forward to avow. But it is enough to allude to it, without dwelling further on so painful a topic. Let us see whether, besides this, any other necessity for the measure can be alleged. It is said, that it is necessary to pacify Ireland. Would to God, my Lords, that some plan could be devised for the pacification of that unhappy country! Which of your Lordships would not consent to sacrifice much for such an object? What is here meant by pacification? Look, my Lords, at the nature of the intended process. It does not deal with the country at large; it is intended to pacify it parish by parish; and how? to appease religious discord, the bane of that land; and what remedy does the Bill supply? No doubt a very effectual one. In order to quiet the Roman Catholics, it will exterminate the Protestants; and then all will be quiet, *ubi solitudinem faciunt, pacem appellant.*

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But it is necessary to provide education for the people of Ireland. A most important object, no doubt. It is a duty incumbent upon the Government of every Christian country, to provide for the poor, or rather to encourage and assist the poor to provide for themselves, religious and useful instruction. But whether that education should be absolutely gratuitous, is another question. The result of my own observation and experience for many years has satisfied me, that the instruction most highly prized by the poorer classes, and most advantageous to them, is that for which they pay, either wholly or in part. They attach more value and importance to an article which they purchase, than to that which they receive as a free gift. They are more careful to profit by it, and less willing to throw it away. Nor is this principle inapplicable to Ireland. I have to adduce the concurrent opinion of the Commissioners of Inquiry into Education in Ireland—able, judicious, liberal men, Mr. Leslie Forster, Mr. Frankland Lewis and others—that gratuitous, purely gratuitous, education is not that which is best adapted to the wants and habits of the people there. But supposing that it were otherwise, and that it were desirable to furnish them with the means of universal education, free of all charge to themselves: are there not other parties besides the Church who may be reasonably called upon to step forward and bear a great part, at least, of the burthen,—the landowners and land-holders of Ireland? Or if it be too heavy for them, why not do for Ireland, what the legislature have for the three last years cheerfully done for this country, make an annual grant from the public purse for the purposes of education? In the first stage of the experiment, for an experiment after all it must be, why should not the public at large pay for it, rather than a Church, already too much impoverished? The nation can afford to pay for it: the Church cannot. And the public at large are as much interested in the results of that experiment as the Church itself, and will be a gainer by it, whatever be the expense. Every one who has any thing to lose, which is worth the keeping, is a gainer by the education of the poorer classes. The safety of your Lordships' property, the well-being of society, the public security, depend upon the Christian education of those classes.

But is there any other kind of necessity for this measure? Yes, my Lords, the necessity, we are told of pacifying the Roman Catholics.—Pacify the Roman Catholics? Have we not abundant and melancholy proof of the utter futility of such efforts as these, in the way of pacification? Has any such device, produced though it may have been under the happiest auspices, and with the most flattering promises, in any degree succeeded? Has not each of them in its turn, signally and lamentably failed? My Lords, it has been unhappily characteristic of all the measures hitherto adopted for the quieting of Ireland, that in none of them has been the principle, or property, of finality. Every succeeding measure has been but the stepping-stone to another. But I am wrong: in the Bill before us, my Lords, there is a principle of finality; a very discernible germ at least of something final and conclusive; the seed of extermination and destruction. I speak the fullest conviction of my heart, when I declare to your

Lordships, unwilling as I am to prophesy, that if you pass this Bill into a law, you will as effectually pass sentence of extinction upon the Church of Ireland, as if you were to embody in one of its Clauses a distinct enactment, that from the year of our Lord 1840—no matter what precise year, but certainly at no very distant date—the Protestant Church of Ireland shall for ever cease and determine. Pacify the Roman Catholics my Lords? pacify men, who, from Gandolphy down to Doyle and M'Hale—I beg pardon for having mentioned the former name; it escaped my lips through inadvertence—he is gone to his account, and I would not allude in the spirit of unkindness to his errors, if errors they were—but down to Dr. M'Hale, who has out-heroded his predecessors in the vehemence and virulence of his hatred to the Protestant Church; men, I say, who have designated that Church as an *incubus* on national prosperity; a vampire, sucking the country's blood; an idol of Juggernaut, to be got rid of at any rate and at all hazards—Pacify such men as these? But there might be some hopes, my Lords, if they had confined their expressions of dislike to such phrases as I have quoted—if they regarded us simply as heretics and intruders. But the evil will lies deeper than this. The Established Church of Ireland is regarded by them and described, as a memorial of conquest and a badge of slavery. If so, my Lords, will it be freed from that character by the present Bill? When the Church shall have been stripped, by the operation of this measure, of some 800 parishes, will it be the less a token of conquest, or a badge of slavery? Will not the remaining number, be it what it may, still be an eye-sore and a thorn to the Roman Catholics, and continue to be so, till the period of its utter extermination? That period will come, my Lords, if this Bill be passed. This year, the Government of the country proceed to deal with the Irish Church with what they consider to be a gentle hand. Eight hundred benefices and more are to be cut off; so much exuberant and ornamental foliage, as it will be styled, is to be torn from the tree; another year some branches will be lopped from the parent trunk; a few incisions made in the stem; then the bark will be stripped off, and last of all will come the enemy and lay his deadly axe to the root, and it will be cut down and cast into the fire.

Pacify the Roman Catholics of Ireland? And do your Lordships still think that they are to be pacified? Or if they are, are you prepared for the consummation of that object, desirable as it is, to sacrifice upon the altars of their hatred and ambition, the holocaust of a Protestant Church?

But there is a necessity of conferring some benefit upon the Roman Catholic population of Ireland. Aye, my Lords, there is indeed; but not such a benefit as this measure promises to confer. Most anxious am I that some method may be devised of lightening the evils of that unfortunate race. Wretched as is the condition of the poor Protestant peasantry in most parts of Ireland, that of their Roman Catholic brethren is much worse; they are more ignorant, more heavily taxed, labouring under a more galling tyranny. But it is, amongst other reasons, because I am intimately convinced that the Roman Catholic peasantry would be amongst the first to suffer injury from the adoption of this measure, that I offer it my most determined opposition. That they will, at least, derive no advantage from it, is the opinion of a gentleman perfectly competent to pronounce an opinion on the subject; a gentleman who for many years enjoyed the respect and confidence of the Roman Catholic prelacy and gentry in Ireland, and who, if he has now lost them, (I know not whether such be the case) has probably lost them because he has adhered to the principles of honour, and honesty, and plain-dealing, by insisting upon the binding nature of that oath which we fondly believed would be a security against any attempts of Roman Catholic legislators upon the property of the Protestant Church. Mr. Eneas M'Donnel says, in the postscript to his second Letter on the Roman Catholic Oath,—

> Having hitherto endeavoured to avoid mixing up the great question of the obligations of the Roman Catholic oath with any other topics, such as the consequences, good or evil, that may be supposed by opposite parties to result from any particular interpretation of its terms, I have determined to adhere, at least in the present publication, to the same course, although much tempted, if not provoked, to sweep away some of the many delusions practised upon the present occasion. Suffice it to say, that if you should consider my views as expressed in this pamphlet tolerably well sustained, I am fully as well prepared to maintain and to prove, that the resolution, adopted on the motion of Lord John Russell, as explained by that noble Lord and his friend, neither tends, nor appears to be intended, to secure peace and prosperity to my country; nor in the slightest degree to benefit the peasantry of Ireland. I feel no desire to intrude my reasons for these opinions; but if

he should require them, he shall have them; and whatever other claims they may possess to his attention, he will have the satisfaction of knowing that they are the opinions and reasons of one who, in time of need, has practically laboured more, suffered more, and done more, in behalf of that peasantry, than any one of his Lordship's Irish Catholic parliamentary supporters, or peradventure, of all of them put together.

Such, my Lords, is the opinion of a very competent judge, as to the benefit likely to accrue to the Roman Catholic peasantry of Ireland, from the adoption of this measure. Is it not obvious that they must be injured and not benefited, by the withdrawal from among them of the most constantly resident, the most active, the most benevolent class of Irish gentry? Is that description too strong? Permit me, my Lords, to confirm its truth by quoting the words of one who, while he lived, was one of the brightest ornaments of the Irish Church, and who died deeply regretted by all its friends,—the late Bishop Jebb. That excellent prelate delivered a speech in this House, in the year 1824, which he afterwards printed, and which has been more than once republished. It well deserves the perusal of every one who wishes to understand the real state of the Church in Ireland. The statements which that speech contains have long been before the public, and to this day, my Lords, not one of them has been controverted. The testimony of Bishop Jebb, valuable as it is in itself, is the more so, because it is the testimony of one, who was at all times animated with a spirit of the utmost liberality and kindness towards the Roman Catholics, and who, as he deserved, was respected and loved by them in return. His words are these:—

> I am quite aware, that in many parts of Ireland the parochial clergy have a narrow field of strictly spiritual labours. This circumstance is regarded by some with unmingled regret; by others, I am sorry to say, with malignant triumph: but I must rather consider it in the light of a providential compensation. For from the peculiar situation of those very parts of Ireland, the clergy there stationed have most important civil, social, and moral services to perform; which if their time were fully occupied in ecclesiastical services, they might be unable to discharge; and which if they did not discharge, I know not what would become of a miserable peasantry, deserted as they are by their natural guardians and protectors.
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> In the county of Kerry, from which 150,000*l.* per annum is drawn by absentee proprietors, a person may travel for twenty miles together without seeing the residence of a single gentleman, except the glebe-houses of the parochial clergy.

If it be thought that these expressions may be coloured with a natural tinge of professional partiality, let them be corroborated by the evidence of Major Woodward, the Inspector of Prisons in Ireland, who thus expressed himself twelve years since,—and the clergy have assuredly not receded since that time in active benevolence:—

> Setting aside all those feelings of attachment which I have always had to the Established Church, I must as a public officer, whose duties call him into close contact with them throughout the most remote and (by all others of the higher classes) deserted parts of the kingdom, declare in common justice, that were it not for the residence, and moral and political influence of the parochial clergy, every trace of refinement and civilization would disappear. They have now in the kindest manner added the care of the poor prisoner, in gaols which were scenes of misery and oppression, to the various duties in which they supply the place of the natural guardians of the peace and prosperity of the country.

I am about to read another passage, my Lords, from the speech already quoted, which I do with some reluctance, in the presence of a most reverend Prelate, whose name is mentioned in that passage; whose charitable exertions, and unbounded benevolence, at a period when a part of Ireland was suffering the horrors of famine, were scarcely inferior to those of 'Marseilles' good bishop;' yet even in his presence, I must read it:—

> In that very province from whence I have adduced a melancholy instance of absentee penury, during the same calamitous season of 1822, it pleased Providence to raise up a diffusive instrument of good, and that instrument a churchman. If the London Distress Committee, if its honourable and worthy chairman, were asked, who at that period stood foremost in every act of beneficence and labour of love, they would with one voice pronounce—the Archbishop of Tuam; from morning to night, from extremity to extremity of his province, at once the mainspring, the regulator, the minute-hand of the whole charitable system. As distress deepened and spread abroad, he multiplied himself, he seemed gifted with a sort of moral ubiquity. He proved himself worthy to rank with 'Marseilles' good bishop,' and hand in hand with him, to go down to the latest posterity, among the benefactors of mankind.
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> But such humane exertions were by no means confined to the higher orders of the Church. From observation and experience of facts, I can testify, that at that period, especially in the districts where such instrumentality was most needful, the clergy in general were

> instant, in season and out of season, to meet every emergency. As collectors and distributors of bounty, as purveyors of food, as parcellers of employment, as overseers of labour on roads, in bogs, in public works,—by their exertions in these and similar departments, the Irish peasantry of those deserted districts (under Providence) were saved from famine and its attendant pestilence, and I would hope, were formed to permanent habits of industry, morality, and grateful feeling.
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> For these labours of our clergy did not cease with the emergency of 1822. English bounty had been not merely full, but overflowing; and hence the London Committee were enabled to make provision, in the ten most distressed counties of Ireland, for lasting improvement. In each of these counties, a considerable fund has been appropriated, under the management of a board of trustees, for the promotion of industry, chiefly in the way of charitable loans; and here the parochial clergy are among the best co-operators. They exert themselves to encourage the cultivation of flax; to superintend the manufacture of wheels; to distribute with their own hands the implements so manufactured; to pay domiciliary visits, for the purpose of observing and ascertaining the progress of industry;—and this, not as it might be in an English parish, through the collected and concentrated population of a village, perhaps, and its small surrounding territory, but through bogs, across mountains, over miles of scarcely accessible country, swarming with a distressed population. I can lay my finger not only on parishes, but districts in Munster, where the judicious exertions of the parochial clergy are absolutely creating manufacture, and giving new spring and alacrity to the people. Missionaries of civilization, they are in this way preparing for the social, and moral, and, ultimately, the religious improvement of a most improveable population.

Bishop Jebb concludes,—

> I pledge myself, that the clergy—the improving clergy of Ireland, will be found the best instruments by which to raise the character, to better the condition, and to increase the availableness, for all national purposes, of that country, now perhaps a burthen, but hereafter, we will hope, a strength, a bulwark, a fortress of the empire. For this I will pledge myself; always provided you do not tamper with the Church. Then, indeed, I could not be equally hopeful; we cannot make bricks without straw.

And these, my Lords, are the men, these instruments of civilization, these friends of the poor, these gratuitous visitors not only of the abodes of indigence but of the receptacle of convicted offenders,—these are the men whose numbers you propose to diminish, in order to benefit the peasantry of Ireland!

It is true, my Lords, that in some instances, as the noble Lord on my right has observed, the clergy in Ireland have acted as magistrates. I freely confess, that I do not desire to see the functions of a civil magistrate combined with those of a minister of religion. But, my Lords, it is not always practicable to avoid it. There are, even in this kingdom, parts of the country where if the duties of the magistracy were not discharged by the clergy, they would not be discharged at all; and in Ireland the necessity for their acting as magistrates is much stronger. Generally speaking, they are active, impartial, and conciliatory. If the clergy were to wholly withdraw from that duty, who would be substituted in their place? A class of persons to whom the tender mercies even of the framers of this Bill would not willingly intrust the administration of justice.

But the noble Lord is of opinion, that the surest way to increase a clergyman's usefulness, is to diminish his income; and that to render him thoroughly respectable, you have only to make him very poor. Against such a doctrine, in the name of reason and common sense, I protest. Constituted as human nature is, the truths even of the gospel, and all experience proves it, come recommended to the acceptance of its hearers, from the lips of one who fills a respectable station in society. Men are more disposed to listen to the advice and instruction of a well-educated person, moving in a certain sphere of life, than to the doctrines of a poor and indigent teacher. Exceptions there may be, amongst some of the lowest classes; but this is the rule. I am no advocate, my Lords, for investing the clergy with splendour, or the means of luxury, although I deprecate any thing like a low equality of income, and am clearly of opinion that there ought to be an order of the clergy moving, if not in the very highest class of society, yet in that next to the highest, and that the clergy at large ought to be maintained in a state of comfort and respectability; but the notable expedient of recommending religious teachers to the respect and attention of mankind, by reducing them to poverty, is a paradox, which was reserved for the month of August, in the year 1835, and the House of Lords in the Imperial Parliament of Great Britain and Ireland.

And this recalls to my mind what has been said by the noble Lord respecting missionaries. He thinks that the Irish clergy should be a missionary body. Why, my Lords, every church is, in one sense, a missionary church; and every clergyman is in the true etymological sense of the term a missionary, a person sent forth to preach the gospel, an apostle. And this is especially the case, where a true church is planted in the midst of darkness and error. But the Irish clergy are not, and they ought not to be, generally speaking, missionaries in the sense understood by the noble Lord. But look at the Question in an economical point of view. If the Irish clergyman is to be a missionary, he must be either itinerant, or stationary. Now against the employment of itinerant missionaries, no persons have been more loud in their outcries, than the supporters of the present Bill, who have represented them as fomenters of discord, and disturbers of the public peace. But if they are to be stationary, ought they to receive a stipend inferior to that which is paid to our missionaries in the colonies, from two to three hundred pounds a year? And what saving would be effected by such an arrangement? Will a poor missionary stationed in a parish have equal means of doing good with a beneficed resident incumbent? If he is useful with 100*l.* a year, will he not be more useful with twice or thrice that sum, or even more, if the means are forthcoming? Really, my Lords, this missionary scheme is one on which it is scarcely worth my while to waste an argument. Let it pass. But this mention of three hundred a year recalls my attention to another feature of the Bill. The Church Temporalities' Act, objectionable as some of its clauses were, had yet upon the face of it the appearance of promoting the efficiency of the Irish Church; and some of its provisions were substantially of a nature to answer that end. If it took away in one quarter, in another it provided a fund for the erection of churches, and glebe houses, and for the augmentation of poor benefices. But what does this Bill do? It contains no principle of reciprocity, except that Irish kind of reciprocity which is all on one side. It takes away, but it does not give. It robs Peter, but does not pay Paul; or rather, I should say, it takes away from Paul, without giving directly to Peter. It extinguishes large benefices, but does not augment small ones. Surely, my Lords, if 300*l.* per annum be the amount of income, which the framers of the Bill consider to be proper for a clergyman, provision ought to have been made for augmenting those benefices which are much below that amount. But no such thing is thought of. The poor, ill-paid clergymen remain as they are, the large benefices are to be cut down to 300*l.* per annum: for let it not be forgotten, my Lords, that when the Bill empowers the Lord-lieutenant to pare down all livings, which are worth more than 300*l.*, it does in effect provide, that in due course of time none shall be left of greater value. That which pretends to be a minimum, will shortly be a maximum. Again, my Lords, the Temporalities' Bill authorized the Commissioners to encourage the building of glebe houses, not only by lending money for that purpose to incumbents, but by free gifts of 100*l.* each to the holders of poor benefices; the precise sum which the framers of this Bill, in their liberality, consider to be sufficient for the erection of a house of God. And here again, my Lords, mark the difference between the two measures. Under the former Act, if twenty Protestants, resident in any parish, signified to the Commissioners their desire to erect a church, and their willingness to provide one-fifth of the expense, the Board might advance the rest. Under this Bill, if there be fewer than fifty Protestants in a parish—the number, my Lords, is large? methinks if forty, or only thirty Protestant people were found in the place, it might have been spared for their sakes; but if fewer than fifty Protestants are found, they are to be deprived of their clergyman, and then what encouragement will twenty have to undertake the building of a church? Suppose, my Lords, that this Bill had passed into a law thirty years ago, would one of the 600 new churches have been erected, which have actually been built within that period? Are your Lordships, in general, aware how the facts of the case stand? The numbers are instructive; they afford a palpable and intelligible argument; and, therefore, I will put the House in possession of them. About a hundred years ago, the number of churches in Ireland was about 400; at the time of the Union, 689; in 1830, above 1,300. Of glebe houses, the number a century ago was 150; at the Union, under 300; the present number, 900. Is not this an improving church, my Lords? Then as to non-residence, that has decreased, and is decreasing; and as to pluralities, it is sufficient to say, that the most reverend Prelate, who presides over that branch of the United Church, with so much honour to himself, and so much advantage to his charge, has for several years refused to grant any faculty for holding two benefices with cure of souls. I say nothing of unions dissolved, and tithes disappropriated from sinecure dignities, and restored to the parochial clergy. And is not this, my Lords, an improving church?

But we are told, that, after all, the Church has not done its duty; it has not answered the great ends for which it was established. Let us look at this question a little more closely. It is true, that the Established Church of Ireland has not effected all that could be wished; and why? At the Reformation, my Lords, which in Ireland was for a long time little more than nominal, the Church was plundered by the nobility and great men, of the richest part of her patrimony, and reduced to a state almost of beggary. Of the few richer benefices, which were left, the great part were for years retained by Popish incumbents. It was not till the reign of Charles 1st, that this evil was in part remedied. By the exertions of Primate Bramhall, a portion of the Church's possessions was recovered to her; but what then ensued? Why, from being treated with contempt, she became an object of cupidity, and suffered, with other institutions, from the evils of common misgovernment, and above all from the scandalous abuse of patronage. But a still more efficient cause remains to be noticed. That iniquitous vote of the Irish House of Commons, which declared that whoever paid the agistment tithe, was an enemy to his country, not only cut off at once a large source of the Church's income, but immediately aggravated the burthen which rested on the poorer landholders, chiefly Roman Catholics, who were thenceforth almost exclusively the payers of tithe, but who, up to that time, had paid it without reluctance or resistance. But, my Lords, there was another cause still; and that was the shameful practice, which was followed by the landowners, the Protestant landowners of Ireland, of turning out their Protestant tenantry, and introducing Roman Catholics in their stead, for the sake of obtaining a larger rent; for it is well known, that at one time, (perhaps it is so still in some parts) there was a Popish rent, and a Protestant rent: the Popish rent being the largest, the Protestant tenants went to the wall. These causes, my Lords, are abundantly sufficient to account for much of the inefficiency which has been charged upon the Irish Church. They necessarily impaired its resources, and crippled its energies.

I am sensible, my Lords, that I am trespassing upon your Lordships' patience; but the importance of the subject is such, that I must still say a few words more. I am speaking at a crisis of the Protestant church: the fate of that Church, my Lords, in Ireland at least, is wrapped up in the decision to which your Lordships shall come this night. Nay more, my Lords, the fate of Protestantism itself in that unhappy country. Yes, my Lords, it is even so: if the light of God's truth is yet to burn upon the altars of his sanctuary in that land, and to shed a dim, but blessed light upon them who are sitting in darkness, and the shadow of death, and who will not receive the full and direct enlightenment of its beams—this can only be ensured by your resolutely upholding the Protestant Established Church. My Lords, do not dissemble to yourselves the truth, that this Measure is the first,—no, not perhaps the first,—but the boldest and most gigantic stride, which has yet been taken towards the entire suppression of Protestantism in Ireland. But surely, my Lords, we ought to deal with that country, as though it might one day become Protestant. If we are sincere Protestants ourselves, and believe that truth will ultimately prevail, we must entertain that persuasion. But what is the direct and palpable tendency of this Measure? To papalize Ireland, to exterminate Protestantism. Every parish, containing fewer than fifty Protestants, is—what? to have fresh encouragements given to the true religion, so as to increase the number of its adherents? No; but to have its own Protestant clergyman withdrawn, with all the support, encouragement, and consolation which he is able to afford them. And what must be the result? That in almost every such case, the dispirited and disheartened Protestants will expatriate themselves, and quit the place where their forefathers lived and died; or they will be speedily absorbed in the Roman Catholic population, surrounded as they will be by hostility and artifice, and plied with every engine of conversion.

I know, my Lords, I shall be told, indeed, I have been told, again and again, this is all very well: no doubt the Protestant Church in Ireland should be upheld if possible; but really, it is such a monstrous anomaly, that we know not how to deal with it; and we hope you will not be so unwise as to identify the interests of the English Church with those of the Irish branch of it; nor, with somewhat of the cruelty of Mezentius, and more than his folly, "join the living to the dead, that both may perish together." My Lords, was this the language held at the Union? Had either branch of the Legislature then avowed such sentiments as these, would the Union ever have taken place? And if not, as is undoubtedly the case, is it fit language to be used to a Protestant Legislature, bound by the solemn compact of that Union; or at least, is it an argument which can be admitted by a Protestant Bishop?

I do not my Lords, pretend a belief, that both Establishments, or rather that both branches of the same Establishment, will fall together. Their destinies are not so linked to each other, that even if, by the irreversible decree of Providence, the Irish Protestant Church should be severed from that of England, and laid prostrate in the dust, its sister branch must necessarily encounter a similar fate. The circumstances of the two are no doubt exceedingly different. In this country we stand less in need of an Establishment, for the purpose of maintaining the true religion, than in Ireland. The interests of the Protestant faith in that country demand the support and aid of an Establishment; and your Lordships would have to answer before God for passing such a measure as this, which would go to destroy its existence. But look at it in another point of view. What would be more calculated, than the passing of such a measure, to inspire with fresh courage and confidence that hostile band of men, neither few in numbers, nor contemptible for talents and influence, who view the Protestant Establishment in both countries with feelings of malignant hostility, who meditate its destruction; who either by storm or sap, by force or fraud, by open and manly hostility, which it is easy to encounter and resist, or by insinuations, and innuendoes, and false reproaches, with which it is painful and difficult for honourable men to contend, are bent upon effecting the subversion of the Protestant Church of England; but who know, nevertheless, that it is hopeless to attempt it, while the Protestant Church of Ireland stands. Once allow them to flesh their swords in the weaker institution, and they will rush forward, flushed with victory, to attack the stronger. "Come on," will be their cry; "we have succeeded once, under circumstances of the greatest discouragement, the most hopeless appearances, in opposition to the most sacred principles, the holiest feelings, the loveliest sympathies which can animate the human breast; we have succeeded, in the teeth of Acts of Parliament, in spite of the most solemn compacts, in violation of the promises once made by those who are now supporting our views; think you that we shall be less successful now, when we see before us so much richer a prize, when the victory will be so much more glorious?"—Every argument, my Lords, which is now urged for diminishing the Protestant Establishment in Ireland, will be urged hereafter with greater force for its abolition; and then the same weapons will be turned against the ancient institutions of England.

My Lords, I have evinced, on more than one occasion, that I am not indisposed to adopt any well-considered measures of salutary and real reform. Least of all am indisposed to their adoption, with respect to that institution, in which the dearest and best interests of the country are involved. But to a measure such as this, of direct spoliation, I will never give my consent. Your Lordships will do me the justice to admit, that I have not been accustomed, in the debates of this House, to use stronger language than the nature of the subject on which I have been speaking seemed to justify. But if there be terms in the English tongue more expressive and emphatic than others I would gladly employ them on this occasion, while I implore your Lordships, by all that you hold sacred, by the gratitude you owe to that Church, from which you have imbibed your Christian principles and knowledge; in whose consolations, I trust, you delight—and may you experience all their efficacy at the closing hour of your existence—not to give your consent to a measure which will destroy the Protestant Church of Ireland, without benefiting the poor Roman Catholic population; which will starve the meritorious dispensers of God's truth, without adding to the real comforts of those who are engaged in diffusing religious knowledge under a different form—a measure, of which it is not too much to say, that it commences with spoliation and sacrilege, and must end in ruin and confusion.

The Marquess of *Clanricarde* said, that the speech of the right reverend Prelate had contained allusions to Protestants and Protestantism, as if the Protestants of Ireland and the Protestant religion of that country were alone deserving of the attention of the Legislature. But their Lordships sat there—not all Protestants—to afford justice and protection equally to all classes of his Majesty's subjects, whether Catholics or Protestants. The real question was as to the necessity of the measure; and that was to be found in the condition of the Irish Church at the present moment. It was easy enough to talk of well-endowed rectors residing as wealthy gentlemen and magistrates in that country; but were the Irish clergy actually such? At this moment there were four-fifths of the tithe in Ireland not paid, and which, without this Bill, would not be paid. In point of fact the Protestant Establishment could not be maintained in its existing condition. It was a mockery to say that it was now effective. The Irish clergy at present were indebted to the amount of 750,000*l.* to the people of this country; and would the people of England continue to allow their money to be thus wasted? He had always looked on tithes as the property of the State, originally devoted to ecclesiastical purposes, but which might be diverted to other purposes by the State. The question of tithe had been the subject of legislation for many years; and one of the objects of this measure was to give the people a small interest in the collection of tithes, by affording them some portion of education. He believed, too, that instead of its being found, as it was asserted, that by the operation of this measure many Protestant clergymen would be suspended, their number would be actually increased; for their Lordships ought not to confound benefices with parishes. The Establishment, as they had maintained it, had not increased Protestantism; but as to saying that Ireland would turn Protestant—he should himself be glad to see the people converted to that faith; but the idea of maintaining an Establishment from such an expectation was absurd. They could not, he assured them, put off, year after year, a substantial grievance, without its coming against them with increased force. He would tell their Lordships that they would desert the Protestant Church if they did not pass this Bill. The other House of Parliament was pledged—they were not pledged to it, and if they rejected it, the onus and odium of doing so should be upon them.

The Earl of *Winchilsea* said it was in vain to assert, that if this Bill did not pass, the Protestant religion in Ireland would be overturned. On the contrary, if the measure passed, the Protestant religion in that country would be destroyed. He defied any noble Lord to show that the Established Church had ever been endowed for any other purpose than to promote the protestant religion, and an attachment to the Protestant institutions of the country Every step that had been recently taken had been an encroachment of Catholicism upon our Protestant establishments and privileges. In his opinion it would be better for the House at once to declare that the Protestant Establishment in Ireland should be destroyed, than to effect its destruction indirectly by slow and lingering degrees.

The Marquess of *Conyngham* differed totally from every word that had fallen from the noble Earl. Although a landlord of Ireland, it was not from a feeling of selfishness that he advocated this Bill. He did so for the purpose of promoting peace and tranquillity in Ireland. It was well known that the Catholic population in Ireland had quadrupled itself within an extremely short period; whilst the population of Protestants had diminished. He admitted that Protestants in the west of Europe had increased; but that was not the case in Ireland. It was in vain to deny the increase of Roman Catholics; and yet, by what means had that increase been effected? It was not by wealth or worldly power that the Roman Catholic religion had been maintained in Ireland, but by the influence of that religion over the minds of the Irish people. If their Lordships should so mutilate the Bill as to prevent its effecting the end for which it was introduced, he firmly believed that they would seal the fate of the Irish Church; and would give her enemies such an advantage against her, as would make them repent the day when they refused to remove her abuses.

Lord *Plunkett* was deeply impressed with the melancholy fate that awaited the Protestant religion in Ireland, if their Lordships rejected this Bill. He regretted the tone in which the right reverend Prelate had felt it necessary to address the House—a tone so different from what they had been accustomed to hear from that right reverend Prelate. The right reverend Prelate had made an attack on the great body of the Roman Catholics of Ireland, while, in the warmth of his feelings, he was attacking particular individuals of that body. Did the right reverend Prelate think it a fair thing with respect to the great body of the Roman Catholic clergy of Ireland, to single out individuals, and hold them up as specimens of the whole body? If he were disposed to follow such an example, he thought he could find instances among the Protestant clergy, whose language, whose conduct, and whose expressions might vie in harshness with anything that had ever been done or said by clergymen of the Roman Catholic Church. The right reverend Prelate said, that the Roman Catholics were the authors and originators of those offensive expressions by which one class of religionists had abused another. The right reverend Prelate had alluded to the epithet of Juggernaut. Now it so happened that this phrase of Juggernaut was first brought forward in the county of Cavan, by a Protestant gentleman, who accused the Roman Catholics of being the worshippers of Juggernaut. To which a Roman Catholic replied, that he knew no more of Juggernaut than the person who made the accusation; and that the Church, from crushing the Catholics, was more of a Juggernaut than the Catholic. The expression had subsequently become popular, and the use of it was adduced as a proof that Roman Catholics were guilty of applying offensive epithets to the Protestant clergy. If he were to seek, he had no doubt he might very readily find, among the Protestant clergy, persons who were turbulent, bigoted, ambitious, and hypocritical; but should he, on that account, be justified in saying that such was the general character of the whole Protestant Clergy of Ireland? No: on the contrary, he joined with the noble Lord on the other side, in speaking of the Protestant Clergy of Ireland as being a most excellent body of men. Theywere mild, tolerant, charitable, and no degree of praise could go beyond their merits. They were not only deserving, but they were most unfortunate, and their fate was now to be decided by their Lordships. By passing the Bill something might be preserved for them, by rejecting these Clauses their income, he was afraid, would be gone for ever. A noble Lord had said that Catholic emancipation had failed; but why had it failed? Was it because their Lordships had carried that measure? No such thing, but because they had refused to concede it until they were overtaken by an overwhelming necessity, which, however, the right Rev. Prelate said had not yet arrived. The fact was, that there were persons who were born a year too late. If that measure had been carried at an earlier period we should not now be threatened with the desperate and dangerous crisis which was at this moment hanging over us. If Catholic emancipation had been carried when it was first brought forward by his lamented Friend Mr. Grattan, the position and prospects of Ireland would be very different from what they were at present. If the concession had been made at the time when the Roman Catholic Associations were put down with their own consent, how different would have been the aspect of things. Had their Lordships agreed to the measure when there was a provision made by the House of Commons for the Catholic Clergy—had they acceded to the concession, and had not angry feelings been excited by the unwise declaration of a person to whom he would not now more particularly allude, as he was no more.* The country would not be in the state of danger in which it was at present placed. It had been said, in the course of the debate, that this measure would be a violation of the principles by which the Protestant religion was protected in this country. He must beg to say that this was a most gratuitous assumption. He had heard a great deal of vehement declamation and energetic denunciation, but not a single argument to show that this would be in the slightest degree a violation of the principles of Protestantism or of the Act of Union. By the Act of Union the Churches of England and Ireland were consolidated. By the 5th article of that Act they were identified in doctrine, worship, and discipline, but was there anything in that article which identified the temporal possessions of the Church of Ireland with those of the Church of England? There was nothing of the kind. The Irish temporalities were altogether distinct from those of the Church of England. If they were not so, they had been violating the Articles of Union ever since they were passed. The whole system of composition of tithes in Ireland was a violation of those articles. But when they looked to the temporal possessions of the Church of Ireland, they were not to throw out of their consideration that Ireland was a nation of Roman Catholics; and that they were bound to apply the same principles, with regard to the temporal concerns of that nation, which they considered themselves justified in applying to the interests of this great Protestant country. That Ireland was essentially Roman Catholic, was proved by the fact that after all their efforts for 250 years they had not succeeded in making more than one-tenth of the population Protestants. It was said that by this Bill they were robbing the Church. Now, he considered that the person who took the property of the Church without doing any duty for it was the party who really robbed the Church. Such was the clergyman who received four or five hundred a-year without having a single Protestant parishioner. No right Rev. Prelate complained of this species of robbery, which had been going on for the last 150 years; but the moment a word was uttered about appropriation, then the whole hierarchy were up with the cry that the Church was in danger, and every consequence was ready to be hazarded rather than such an act of spoliation should be committed! But, so far from this Bill being an act of spoliation, it was an act of restitution to Protestant purposes. The 12th of Elizabeth, chapter the first, which laid the foundation-stone of Protestantism in Ireland, enacted that there should be a free-school in every diocese in Ireland; and that the Lord Archbishop of Armagh, the Archbishop of Dublin, the Bishop of Meath, and the Bishop of Kildare, and their successors should have the nomination of the schoolmasters, from time to time, for ever,—that was to say, every one of them in his own diocese; and that the Lord-lieutenant should have the nomination of all the schoolmasters in the other dioceses of the realm. And it was further enacted, that the Bishops should bear one-third part of the salaries of the schoolmasters, and the parsons and other ecclesiastical persons should pay the other two parts. The provisions of that statute were afterwards enforced by a law passed so late as the Reign of George 1st. This statute, then, was intended as the foundation of Protestantism when it was first introduced in Ireland, and its provisions had since been vainly sought to be enforced. Was he to be told that to apply the revenues arising from parishes in which there were no Protestants, to the purposes of education, was an act of spoliation, an injury to the State, and an outrage upon the Protestant religion? He said it was a direct application of those revenues to the purposes for which they were originally intended. It was rather too strong language, therefore, to say that those who wished to apply such funds in that way were leagued together for the purpose of pulling down the Protestant religion. It had been said, also, that this Bill was in contravention of the Church Temporalities' Act. Now, the Church Temporalities' Act was not intended as a final or irrevocable measure, nor was there any thing in it that portended that there was to be no change of the application of the revenues which came under its operation. Its preamble stated that those funds were to be applied to "purposes conducive to the Protestant religion, and to the efficacy, permanence, and stability of the Protestant Establishment." Was education a thing which tended to the advancement of religion, or was it not? He said that the more generally education was afforded to the Roman Catholics the more it would tend to the advancement of religion, by dispelling superstition and prejudice. If they wished the Protestant religion to be more prevalent, they would not make it so by opposition, by attack, by preaching one religion against the other. They all recollected the second Reformation, which was to have made all Ireland Protestant. He believed that some thought they actually saw the finger of God in that second Reformation. They all knew how it ended. He trusted most devoutly that they should never see a third Reformation. If that consummation which they desired was ever to take place, it would be not by individual conformity, but by prejudice being removed from the great body of the people insensibly—by a change occurring without their knowing that it was in progress. The educated Roman Catholic in Ireland of this day was no more like the Roman Catholic of a hundred years ago than he was like a Protestant. The Roman Catholics of the two periods were totally different beings. The present Roman Catholic, as compared to the Roman Catholic of former times, might be considered a very good Protestant. The way to bring them still closer together appeared to him for the preachers not to be constantly pointing out the differences that existed between them, but to expatiate rather on their points of resemblance. How did this measure deal with the Church Temporalities' Act? What was secured by it was the emoluments arising from those benefices in which Divine service had not been performed for the three years preceding 1833. That Act had produced already, as appeared from the returns which were upon their Lordships' Table, 1,500*l.* a-year. Thus it had not proved unproductive. What did the present Bill propose to give to the Ecclesiastical Commissioners in return for this 1,500*l.* which he admitted was to be diverted from its source by the present Bill? Did it not give a remission of that portion of the million which the Clergy had received? The sum of 360,000*l.* was the portion of the million which had not been paid. That was a tolerably good purchase of 1,500*l.* a-year. He would state what sum was given, and which made a part of the general fund; there was the increase arising from the suppression of canons and vicars choral, that was 10,500*l.* a-year, so that on the whole the establishment had made a tolerably good bargain. He had many more remarks to make, if he had time, but at this late hour he would not detain their Lordships longer than to express a hope that they would retain the Clauses.

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* Lord Plunkett, it is supposed, alluded to the deceased Duke of York.

The Bishop of *London* begged to say, in explanation, that he had not made the most distant allusion to the Roman Catholic Clergy; he had spoken of the Prelacy, and he had imputed to them nothing but the fact of their avowed and determined opposition to the Protestant Church, and their resolution to subvert it if possible. Of the Roman Catholic Clergy at large he said nothing; and he begged to assure them that when he made use of the strong expression, the " malignity of faction," he did not allude to them.

The Earl of *Roden* would take the liberty of referring to some of the observations of the noble and learned Lord. At one moment he had highly eulogized the Protestant clergy of Ireland, and the next he had described them as the robbers of the Church; as individuals who held benefices in Ireland. taking the emoluments and making no return. Knowing them as he did, he must say, in justice to them, that he did not believe there was one of them deserving the character given them by the noble and learned Lord.

Lord *Plunkett* begged to explain. He had not applied the term robber in the sense in which it was received by the noble Lord. What he said was this, he conceived that to receive these emoluments where there was no service done, was more of a robbery than the principle of appropriation.

The Earl of *Roden* had no wish to misrepresent the noble and learned Lord. He had understood him to say, that his object in voting for the measure was to get rid of an offensive monopoly; that his great object was to devote the revenue to the purposes specified in the Bill. With their Lordships' permission he would call their attention to a speech delivered by the noble and learned Lord in 1824, and he was anxious to ask the noble and learned Lord, how he could reconcile the sentiments he then expressed with those which he now delivered? At that period the noble and learned Lord said, " With respect to the Protestant Establishment of the country, he considered it necessary for the security of all sects; and he thought that there should not only be an Established Church, but that it should be richly endowed, and its dignitaries be enabled to take their stations with the nobles of the land. But, speaking of it in a political point of view, he had no hesitation to state, that the existence of the Protestant Establishment was the great bond of union between the two countries; and if ever that unfortunate moment should arrive, when they would rashly lay their hands on the property of the Church to rob it of its rights, that moment they would seal the doom, and terminate the connexion between the two countries."* This was the language of the noble and learned Lord in 1824, and this was the language which he would take the liberty of adopting as his own in 1835. He trusted that in the division their Lordships would show that the House of Lords were not to be put down by any set of individuals who might endeavour to rouse the spirit of the country to over-rule their Lordships' independent judgment. As to the threats which were to be heard abroad, having reference to their Lordships' conduct on this occasion, he trusted their Lordships would prove to the country by the vote of to-night, that if the Peers of England were to fall, they would fall in preserving the dearest rights of Englishmen, and in protecting the Protestant faith, which there was an attempt made now to destroy by a faction, under the influence of what was called the spirit of the age. He cared not for the arguments of the noble Lords on the other side of the House—arguments they had none — assertions they had plenty. The noble Lord at the head of the Administration acknowledged, that though he was a party to the Bill he could not justify it on principle. He gave the noble Lord credit for his candour; he had manifested on this occasion that openness of character for which he was distinguished; but as regarded the measure which the noble Lord recommended, he must say, that it partook too much of the complexion of a restless disposition not to alarm every sober-minded man. He was astonished to hear another of his Majesty's Ministers argue, that by taking away the ministers of 860 parishes they were likely to increase the Protestant religion in Ireland. Honest men could only see the pandering to political party in all this; they must see in it but one of those instalments in payment of that support by which Ministers hoped to preserve their places in his Majesty's councils, and their seats on the opposite side of the House. He felt that it was necessary in these times to speak out. He would ask their Lordships to agree to his noble Friend's Amendment, and by sanctioning the alteration his noble Friend proposed to make in this Bill, to give satisfaction to every man in the country, whose good opinion was worth seeking. If their own breasts had told them they had acted rightly, whatever the consequences, they would feel that they had been guilty of no breach of the duty they owed to themselves, to their country, and to their God.

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* Hansard's Parl. Deb. (new series) vol. xi. p. 574.

Lord *Plunkett* said, with reference to the quotations made from a speech formerly delivered by him, it might be sufficient for him to declare, that he had changed his opinion—that he had yielded to necessity; but he begged to say, that he had not changed his opinion; he considered himself now as not only not making any attack on the funds of the Protestant Establishment, but as applying them to their original purposes, and thus, by the most effectual means in his power strengthening the Establishment.

The Marquess of *Lansdowne* could not allow this question to go to a vote without stating in a few words the grounds on which he had formed his opinions. He considered that the more necessary after the speech of the right reverend Prelate, who had spoken with an ability that did not surprise him, because he had listened to him on many other occasions with the highest degree of admiration. The right reverend Prelate in his able speech appeared to call on some of his Majesty's Ministers, who were responsible for introducing this measure, and also the measure which he presumed was a final measure in 1833, to state what was the difference between the circumstances of 1833, and those of the present time, which imposed on the King's Ministers the necessity of proposing a new system. He would tell the right reverend Prelate, that there had been a very great change in the circumstances, and that it had shown itself to be of a nature to endanger the safety of the Church of Ireland, the object of this Bill being to maintain it. Such had been the change, that a noble Baron sitting on the opposite benches, had told their Lordships, that the official knowledge he obtained during the short time he had a seat in the Cabinet had convinced him there were circumstances in the state of Ireland which called for an immediate measure for the security and payment of the revenues of the Church—a measure such as was produced by the Bill taking it altogether. However disposed their Lordships might be to separate the Appropriation Clause from the rest of the Bill, he begged to tell them, that they could not do it. With this Clause they would lose that provision for the Church of Ireland which the Clause was calculated to secure. The right reverend Prelate said, he would support the Church in Ireland, as if it were one day all to become Protestant. The experience of 200 years, confirmed by that of the last fifty years, told them, that there was no probability of Ireland becoming generally Protestant, so long as they acted under that delusion. To consider all the acts and establishments in which Ireland was interested with reference to her becoming some day Protestant, was likely to make her less Protestant than she otherwise would be. He believed that it was because they had so acted—because they had so blinded and deluded themselves—that they had introduced that state of things which the right reverend Prelate had not entered into, because it would not suit the purposes of his arguments. While this principle had been in operation, Romanism had gone on progressively increasing; so that wherever Protestantism was one to three, it was now in the proportion of one to nine. He could hardly suppose the right reverend Prelate to be serious, when he argued, that in England they had less need of an Established Church because the Protestants were so numerous; while in Ireland we had the greater need of it, because there the Protestants were so few. That principle, if good for anything, would go to this extent, that the amount of the Establishment ought to be in proportion to the smallness of the number of its votaries. The principle amounted also to this, that that ought to be the Established religion which was the religion of the minority. This would be in direct opposition to the course which was taken in Scotland. The Act under which the Established religion of that country existed, recited as a reason for the change, that their religion was the religion of the majority. He had not the smallest idea, however, of transferring the endowments of the Established Church to the religion of the majority in Ireland. He must admit that the case of that country was one singularly complicated and artificial. Even if their Lordships could reconcile to themselves such a transfer, he thought it would be attended with every species of evil and danger. Ministers were compelled to adopt a measure of an anomalous nature, that being a great anomaly with which they had to deal. If he were asked, what was the necessity which obliged him to adopt, what he admitted were views of an anomalous nature, he would refer to the system which heretofore had been adopted, which was like the temporising treatment of some constituted electors, in whose hands the patient sinks for want of timely and energetic treatment, for by delay the disorder became worse. He contended, that no injury was done by that Bill to any Protestant in Ireland; and in viewing the operations of this Bill, as well as the principles by which he should be guided, he considered not so much the clergy as the laity of the Protestant Church. Never would he have consented to this measure were he not prepared to show that in no one instance would the Protestants of Ireland be worse, but in many they would be better than under the present system. He had a series of instances, comprising large districts of several hundred acres, at present under no minister, which would be consigned to the care of a minister at a small salary, which indeed had been treated by the noble Lord who introduced this Amendment with so much severity, but which, if the noble Lord had looked into the subject, he would find, small as the salary was, would materially better the clergyman's present condition, and provide religious instruction where there was none at present. He would, in order to show the present state of some of the benefices, refer to the case of one benefice, out of which 900*l*. a-year tithe, and 500*l*. from glebe land, were obtained, in which no Rector was resident, but in which the service was performed by a Curate in a coach-house. He would ask, whether a Church in which there were such instances as that would not be benefited by this Bill? When this Act would be carried into execution, there would be a sum of 414,000*l*. applied to the Church of Ireland. This was the destitution to which the Church of Ireland was to be reduced. When he heard the destitution of the Irish Church spoken of, he naturally inquired into the case as it stood in England. He found with respect to the Ecclesiastical revenues of the diocese of London, that supposing all the persons within the diocese belonged to the Protestant Establishment, they were more than double the number of the Protestants of Ireland. But what was the income of the diocese of London compared with that of the Irish clergy? It was below one-half. The number of persons in the diocese of London were 1,762,127. The revenue was 255,519*l*. being little more than half the revenue of the Irish Church. He admitted that it would be unfair to the Church of Ireland to apply this principle to the situation of the Protestants in Ireland, as in London a very large number of Protestants was collected together; and a larger revenue was, of course, needed, where there was a diffusion of Protestants over a very wide surface, and an active description of duty to be performed. Still, however, four or five times the amount was not necessary in Ireland, for the same number of Protestants as in England. But there were many Protestants collected together in some counties, and they were particularly condensed in the North of Ireland, and there must necessarily be something allowed for that circumstance; but he would put the question to a less fallacious test than the last, which was, that in Ireland every beneficed minister would have, under this Bill, a greater average income than the beneficed clergyman in England; and although the right reverend Prelate had stated, that the necessity for the Establishment in Ireland was more urgent as the number of Protestants was smaller, and because they were more scattered, yet he did not think the right reverend Prelate would go the length of saying, that a beneficed clergyman should there enjoy a larger income than he ought in this Protestant country. On the contrary, he must state, from what he knew of the Established Church in Ireland, that its wealth, which he certainly did not grudge it—from its excess in particular instances, and from its unjust distribution in others—had become a source of weakness rather than strength, and had tended in a great measure to separate the clergy from the interests and the habits of the people generally, and had precluded them from obtaining that hold upon their affections which they might otherwise have procured; and he contended, therefore, that it was absurd to say that this Bill was intended to bring destitution upon the clergy of the Protestant Church in Ireland. He entertained the highest respect for the Protestant clergy in Ireland, and he was sure that their conduct, as compared to that of their predecessors, was calculated to do them honour; but largely as he confided in them—in their improved habits and demeanor, he must confess that he did not carry his favourable opinion so far as to consider that they were likely to convert a population of 7,000,000 Catholics to the Protestant creed. If he were not confident of this, he should entreat their Lordships to pursue the erroneous course which, on the assumption of their ability to make converts, their Lordships were inclined to follow, but by which course he was convinced, that instead of making Protestants, they would increase the number of Roman Catholics. He had under his hand a vast number of details, into which he would go, were it not that he was reluctant to trouble their Lordships with them at that late period. By passing this Bill the House would be taking another important step towards the tranquillization of Ireland. Already one important step towards the achievement of that end had been made in the measure for altering the mode of collecting tithe, yet when that measure was introduced, many excellent persons evinced a similar alarm to that now exhibited on the other side of the House, and exclaimed, "If you attack the system of tithes in Ireland, you will endanger the safety of the Church itself." Yet, looking at the consequences which had resulted from the passing of that measure, how often must those who had opposed its progress, and who were sincerely attached to the interests of the Protestant Church, lament that it was not adopted sooner. But unfortunately on that occasion, as on this, their Lordships were persuaded that by a little delay, they would reconcile the people of Ireland to the system of collecting tithe—the result had shown how completely they were mistaken. Not only had the old system of tithes been left to rankle in the feelings of the people, but the system of composition, excellent in itself, came too late, and their Lordships were now compelled to admit, as the late Government was compelled to admit, that the composition for tithe could never be collected as it might previously have been collected, and nothing short of military force could compel the payment of a tax which, of all taxes, to all people, and in all times, had always been the most obnoxious. Charlemagne himself had found great difficulty in compelling the payment of this odious impost, when he first imposed it on some of the Continental states. One of the ministers of that powerful monarch, in reporting to his master, said, "You will do well to abandon the collection of tithe in this country (Germany), for the people are not yet converted to your faith, and tithe is not a tax that can be collected from a people who do not believe in your religion." This Bill abolished tithe, and provided a liberal maintenance for the clergy, which it placed on a far safer and more sure basis. And whilst it provided thus beneficially for the future, it afforded an indemnity for the past. It provided for the whole of the arrears of tithe, and placed the Protestant clergyman at once in a situation of independence and respectability. He did not mean to say, that this Bill was free from anomaly or objection, because it was impossible that any measure relating to a country which was of itself a bundle of anomalies, should be free from anomaly or objection: but he maintained, that the Bill now proposed would establish a state of things infinitely less objectionable than the system which at present existed, and at the same time would contribute to the stability and usefulness of the Church Establishment. It proposed no confiscation for the benefit of the Government, but the application of the surplus Church revenues for the general instruction and improvement of the people.

Lord *Brougham* said, that the grounds on which he should give his vote had been so amply stated by his noble Friends who had spoken before him, that he did not think it necessary to say anything in addition to what they had stated. But he could not help asking their Lordships, before they went to a vote on this Question, just to consider one party, whose interests he thought were at stake, and on whose behalf he should like to address their Lordships in the character of counsel on that occasion—he meant the Protestant Clergy of the Church of Ireland. It was mighty easy for a noble Earl on the bench opposite (the Earl of Roden), than whom no one could ever express himself more honestly, more sincerely, and, therefore, in his mind, more satisfactorily—it was mighty easy for that noble Earl, in his great enthusiasm for the Church of Ireland—in his misplaced zeal for the cause of the Protestant Clergy, to say that he was prepared to lay down his fortune or his life in the cause of the Protestant Church, and defence of the Protestant ministers, for whom the noble Earl had so great a respect—and it was mighty well for the right reverend Prelate to say, "Let us die for the Church of Ireland—let us fight the battle of the Church of Ireland on English ground;" and it was also mighty well and mighty easy for the noble Duke on the bench opposite to say, "I am prepared, on behalf of the principle, to make any sacrifice." It was mighty well for all this to be said by the noble Duke and the right reverend Prelate, and the noble Earl; but there were two ways of making a sacrifice, two ways of laying down fortunes, two ways of laying down lives. The one was to say you were ready to do it, when you were certain you would not be called upon to do so; and there was also another way somewhat similar—the doing it not in your own person—doing it vicariously, and, as it were, by proxy. You say you will lay down your whole fortune, and consent to starve, before you will assent to certain propositions; but all the while you are making that assertion, you know very well you will never be called upon to fulfil it, though you do know that by the course you are taking, you are causing others to starve—actually and positively to starve, not one by one—not one here and one there; but every where, and in all parts of the country—actually and positively to starve, in the way, that figuratively speaking, you say you are willing to starve yourselves. It was for these persons, for the starving Protestant Clergy of the Established Church, that he presumed to address their Lordships. If this Bill were not allowed to pass, what probability was there of tithe being collected for the next twelve calendar months? Rejecting these twenty-eight Clauses, had their Lordships considered what provisions they would introduce in their room? Unless some adequate provision were made the whole of the Protestant Clergy of Ireland would be plunged into a situation not only of great distress and great suffering, but of great hazard. Unless this Bill were passed, they would, in fact, be called upon instantly to refund 650,000*l.*, the sum remaining unpaid of the 1,000,000*l.* which a few years since was advanced for their relief. As the law now stood, no option was left for the Attorney-General and the Lord-lieutenant of Ireland, but they must proceed at once against the Clergy for the recovery of that sum, or they would themselves be liable to impeachment. If this Bill did not pass, how were the Protestant Clergy of Ireland to exist even for twelve calendar months. Their Lordships might have their majority of 150, but would that majority enable the Clergy to collect tithes in Ireland? Neither would their majority always avail them. A strong prejudice existed in the mind of George the 3rd against Catholic Emancipation; indeed so strong that Mr. Pitt said, in 1805 he could not grapple with it; but their Lordships had since passed that measure, and though an equally strong prejudice might exist in themselves, or in some other quarter, on the present occasion they might be assured that it must be, and would be, surmounted as was the prejudice which impeded Catholic Emancipation. With these seventy-eight Clauses omitted, the Bill would go back to the House of Commons only to be extinguished; and at the same moment in which they were demanding for themselves the admiration of the country for their hollow professions of friendship for those whom they were, in point of fact, abandoning; they were leaving those objects of their professed friendship to the tender mercies of a process out of the Exchequer in Ireland. In this there was no option. Their Lordships were about to agree that evening to a vote which would at once cut off the collection of tithe for the future, and enforce the payment of a debt connected with it for the past. Then, when he was told of spoliation, when he heard the speech of his noble and learned Friend, in 1824, quoted against him on the present occasion, with a taunt as to his consistency, was it not enough for him to say, that the country was not in the same position now in which it was at that period—that the constitution of the House of Lords now was different from its constitution at that time—that the House of Commons was now reformed, and therefore still more different, even than the House of Lords, from its former construction—that tithe could not be collected except by sending out a force of 500 soldiers—and that the distraint of a single tithe pig was the only result of that great military movement; whereas in those days in which his noble and learned Friend had formerly spoken there were such things in existence as tithe and tithe composition? Under such circumstances was there not enough to justify his noble and learned Friend in changing his opinion now, as others had changed their opinions before him,—his noble and learned Friend voluntarily, they under an overruling necessity, which they could not control? There was no spoliation in this Bill, there was nothing like it. Their Lordships might, according to the noble Lords opposite, distribute the property of the Church among the members of the Church as their Lordships pleased; they might lop off from the Establishment as many right reverend Prelates as they thought fitting; they might divide the proceeds of the prebendal stalls among the poorer class of parsons at their pleasure; they might take 60,000*l.* from the revenues of the bishopricks they suppressed to save the laity from the payment of vestry cess, and yet that was not to be considered a spoliation of the Church—that was not to be considered as an infringement upon property. He must remind their Lordships that the Church was not a Corporation, though it was a bundle of corporations. Each person and each Bishop was a corporation sole, and a Dean and Chapter was a corporation aggregate. Suppose on the Municipal Reform Bill their Lordships were to say London is a corporation, and Liverpool is a corporation, and Bristol is a corporation, and so is Havering-atte-Bower, and Sutton Coldfield. According to the arguments of the right reverend Prelates, and of the noble Lords opposite, it would be lawful for him to take the property of the corporation of London, and of the corporation of Liverpool, and of the corporation of Bristol, which were all rich corporations, and distribute it among the corporations of Havering-atte-Bower and of Sutton Coldfield, which were poor corporations. Suppose that he were to say, "I will take care that this property shall not go out of the corporations; what I take from the rich, I will distribute among the poor, and therefore there is not, there cannot be any spoliation. If he were to use such language, what reply would their Lordships make to him? Would not the very benches on the opposite side rise up in mutiny against him, and call out with their Lordships, "It is spoliation—it is spoliation." But their Lordships sang out in a different tune when this principle was applied to the bundle of corporations which formed the Church. When the object was to distribute the funds of the rich Ecclesiastical Corporations among the poorer ones it was no spoliation; but as soon as they took the funds out of the pale of those Corporations, and proposed to apply them to the promotion of sound education, to the advancement of the Christian religion, to the promulgation of good morals and sound principles, and to the propagation of true piety among all sects and classes of his Majesty's subjects without distinction, then it became robbery and spoliation, and every bad name which the vocabulary of theological hatred could either recollect or devise. He told their Lordships that they had done already either too much or too little. If any robbery were committed by this Bill, the same species of robbery had been committed by the Church Temporalities' Bill. He hoped that their Lordships, before they determined to reject this Bill would consider the grave responsibility which must attach to their decision. He hoped that they would recollect that the House of Commons, if their Lordships rejected this Bill, would refuse to pass any other. They were determined to have this Bill with these Clauses, and without any alteration in these Clauses. Their Lordships might succeed to-night in striking out these Clauses, and succeed they probably would. They might also succeed to-morrow night in making alterations equally mortal to the Municipal Reform Bill. But their success would be over with the occasion which produced it. They would have the next day the great discomfort of discovering that they had injured, perhaps beyond the power of remedy, the friends whom they were anxious to serve and to protect. Their Lordships would be able to carry no other Bill, whereas the Members of the Commons House of Parliament, by merely remaining inactive for a time must in the long run prevail in carrying such a Bill upon this subject as they should deem satisfactory; "for it is in vain" said Lord Brougham, "to disguise it from yourselves; use what big language you may, deal in what menaces you please, indulge in what professions you like, say and vote as you choose, but one thing is certain you will not a third time allow the Irish clergy to starve. At the sight of the Attorney-General's process, which must as a matter of necessity go forth against them, you will relax the rigour of your principles, and do that which you now call sacrilege and spoliation.

The Marquess of *Westmeath* admitted the difficulty of dealing with the question, but attributed it to the Government.

The Earl of *Wicklow* thought it was much to be regretted the noble and learned Lord had not an opportunity of making his appeal on behalf of the clergy to the other House of Parliament. The sum of money alluded to by the noble and learned Lord as having been voted by the other House of Parliament was not a boon to the clergy, it was a boon to the tithe defaulters. The necessity of this grant was occasioned altogether by the unstatesmanlike conduct of the present Earl Spencer in declaring that "tithes were not to be recovered in Ireland." Had it not been for that declaration the present measure would not have been required.

Lord *Hatherton* rose amid cries of "Question." He merely wished to refer to the observation made by the noble Earl who had just addressed the House, with respect to what he was pleased to call the unstatesmanlike conduct of Earl Spencer, in declaring in his place in Parliament that no more tithes should be collected in Ireland. Having been present at the time when the ascribed declaration was said to have been made, he might take the liberty of saying that the noble Earl's version of it was not correct. The discussion arose on the proposal for voting 600,000*l.* to the clergy in consequence of the arrears of 1831—that year in which a sum of 12,000*l.* was collected at a cost of 28,000*l.* and during which a series of collisions between the King's troops and the peasantry took place which assumed very much the character of civil war. It was with reference to those events that Lord Spencer declared that his Majesty's Government would desist from such a mode of collecting arrears of tithe. It was from this announcement that the misapprehension as to the collection of tithes, in any shape had been sedulously propagated in Ireland for party purposes.

Viscount *Melbourne*: The subject has been so fully discussed on the introduction of the Bill, and I had then such an opportunity of stating my views and opinions respecting it, that it is not now my intention to take up your Lordships' time by any remarks with regard to it; but I think it right to express my conviction that you ought to understand distinctly the situation in which you stand. I think it right that you should take the step which you intend to take with your eyes open; that you should be fully aware of the consequences of it; and that you should look well to that which has been so fairly and distinctly, and with so much feeling, placed before you—namely, the situation in which you will leave the Protestant clergy of Ireland by the vote to which you seem inclined to come. A noble Lord at the beginning of the debate thought fit to say that he would make such Amendments as he thought fit and proper in this Bill—that he would make it as perfect as he could—that those parts which he considered objectionable he would leave out—and that he would place on us the responsibility of refusing to carry on the Bill in its altered form. My Lords, the two principles involved in the Bill have been decided by resolutions of the House of Commons, they are closely connected on the grounds of reason and common sense; they are subjects naturally closely allied; they belong entirely to one another, and, in my opinion it is impossible to settle the one in a manner which would be satisfactory to the people of Ireland or of this country, without settling the other. Therefore I have determined, that if you carry this proposition—if you leave out this Clause—I shall certainly not be a party to proceeding any further with the measure. I shall decline to take any steps towards sending it back to the House of Commons in such a shape as that it is impossible it can, either in point of form or principle, be agreed to.

The Duke of *Wellington* felt called upon to say one word in comment upon what had just fallen from the noble Viscount at the head of the Government. Their Lordships had heard the noble Viscount state his intention, of giving up the Bill, in case the noble Lords opposed to the noble Viscount should succeed in carrying the Motion for the rejection of the clause under consideration from the Bill, and they had also heard from the noble and learned Lord opposite a statement—a very exaggerated statement he believed it to be—of the consequences of the vote to which he thought they were about to come as to those unfortunate persons who were the objects of the Bill; but notwithstanding the menaces of the noble Viscount, and notwithstanding the exaggerated statements of the noble and learned Lord, he did not hesitate earnestly to entreat, and earnestly to recommend, the House to agree to the Motion of his noble Friend. The noble Viscount had stated that the two parts of the present Bill—the part which their Lordships evinced a disposition to approve of as well as the part which they seemed to think it was their duty to reject—were identified with each other.

Now he had listened attentively to the course of argument used upon the present occasion, and with equal attention he had perused the documentary evidence which the Government had thought proper to lay upon the Table of the House; and he must say he was wholly unable to trace the connexion alluded to. The more he examined and considered the more convinced he became that, even taking into view the frightful degree of spoliation which the Bill would perpetrate, and taking into account everything which could be wrung from the unfortunate subjects to whom it referred, the whole amount which could be procured—and to procure it, it would be necessary to destroy the funds created under another Bill—would not exceed 40,000*l.* a-year. And was it for such an object that the whole Church Establishment was to be destroyed? The noble Marquess opposite said much of the receipts of the Irish Clergy. Why, on the average, there was not more than 300*l.* a-year for the whole of the clergy. The noble Marquess was pleased, on a former occasion, to say, that the Government was entitled to his support, and to the support of those with whom he acted upon the present occasion, because, although it had announced its intention of introducing the measure at an early period of the Session, it had received their support up to the present moment. It was quite true that he and those with whom he acted had given the Government their support, and done all in their power to forward public business, but he protested against its being supposed that by that circumstance either he or they were to be debarred from exercising their judgment upon the present or any other measure to which their attention was called. He had given his assent to many of the measures introduced by the Government during the Session, but he opposed the noble Lords opposite on the present question, and on another still under consideration, because he deemed it his public duty so to do. He should much regret to find the noble Viscount persevere in the resolution he announced of not carrying into effect the measure before the House should he be defeated upon the approaching division. It was his desire to give the noble Viscount every support in his power in the carrying on of the King's business, but the noble Viscount was not to expect from him that, with a view of enabling him to effect that object, he should fail in performing the duty he owed to his Sovereign and his country as a Member of their Lordships' House of Parliament. Considering the manner in which the measure had been brought forward in the other House of Parliament, and taking into view all that passed either in Parliament or beyond its walls upon the subject, it was not fair that all the responsibility for the failure of the Bill in its present shape should be thrown by the noble Viscount upon those of their Lordships who, upon the approaching division, should vote for the rejection of the Clauses now before the Committee.

Lord *Brougham:* This is a money Clause, if you strike it out you destroy the Bill.

Lord *Lyndhurst* assured their Lordships that it was not a money Clause. It imposed no tax on the people but appropriated money which they had paid from time immemorial.

Viscount *Duncannon:* I only rise to say that if this Clause be struck out you leave the collection of tithes to be made under much more severe enactments than those under which they are collected at this moment. I do hope, therefore, that my noble Friend will adhere to the determination which he has expressed, because after your Lordships have removed the Clause which can alone render the measure acceptable to the people of Ireland, every step you take in the further progress of the measure can have no other effect than that of offering an insult to the people of England as well as of Ireland.

Their Lordships divided on the Clause. Contents 41; Not Contents 138; Majority 97.

Clause rejected, and all the following Clauses dependant on it.

The House resumed.

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Bath and Wells
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Worcester
St. David's
Rochester
Llandaff
Oxford
Hereford
Limerick
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Carlisle

HOUSE OF COMMONS,

Monday, August 24, 1835.

MINUTES.] Bills. Read a third time:—Letters Patent—Read a second time:—Slave Trade (Sardinia); and Slave Trade (Denmark).

Petitions presented. By Lord SANDON, from Coventry, for preserving the British Constitution entire.—By Colonel PERCEVAL, from Fintona, in favour of the Deserted Children (Ireland) Bill.—By Captain JONES, from Londonderry, for a Clause in the Irish Church Bill.—By Mr. MORGAN O'CONNELL, from Cavan, for Poor-Laws to Ireland.—By Mr. SCHOLEFIELD, from Birmingham, against the Letters' Patent Bill.—By Mr. RONAYNE, from Ardagh, for the Revaluation of Tithes.—By Colonel PERCEVAL, Colonel VERNER, and an HON. MEMBER, from several Places,—against the Irish Church Bill.—By Mr. JAMES OSWALD, from Glasgow, in favour of the Municipal Corporations' Bill; for the Repeal of the Duty on Newspaper Stamps; against the Proposed Alteration in the Bonding System.—By Mr. SINCLAIR, from Thurso, for Protection to the Church of Scotland; from Irvine, against the Glasgow University Bill; from Caithness, against the Aberdeen Universities' Bill.—By Mr. OSWALD and Mr. W. CRAWFORD, from London and Glasgow, for Allowing Bonded Wheat to be ground, and the Flour converted into Biscuit for Exportation.

CHURCH (SCOTLAND) PETITION.] Mr. *Sinclair*, in presenting a Petition from Thurso in favour of the Church of Scotland, could not help expressing his unqualified admiration of the intrepid and independent tone assumed at this crisis by the General Assembly. They had acted with a spirit worthy of the best ages of that Church, and had vindicated its honour with a cordiality of feeling, which nearly approached to unanimity—there having been only found three Members in opposition to 90, who ventured to defend such a nomination of Commissioners as his

Majesty's Ministers had deemed it convenient to make, accompanied, too, by the omission of several points to which it was understood that their attention should be directed. Dr. Macfarlane, a former moderator, had most clearly and eloquently pointed out how impossible it is that the Church can have any confidence in a commission, many members of which had expressed sentiments diametrically opposed to all establishments, whilst others were not qualified by their experience, or entitled by their public services, to assist in conducting this solemn and important inquiry. The Church of Scotland had shown that it was not to be intimidated from the path of duty by a dread of ministerial displeasure, and that they would not tamely, or without respectful remonstrance, endure such treatment as the sister Church would not, under similar circumstances, have experienced, in having its avowed enemies appointed to sit in judgment over its interests or its rights. A noble Lord in another place had expressed his disapprobation of the former Government having recommended from the throne a pecuniary grant for enlarging the efficiency of the Church of Scotland. It was not, however, difficult to account for such a recommendation. The late Government was sincerely attached to both the Established Churches of these realms. The late Government knew how much of the moral and religious feeling which characterised the people of Scotland was ascribable to the influence of their church—the evangelical purity of its doctrines, and the indefatigable zeal of its ministers; and that if those sentiments had in some measure been supplanted by others less in accordance with love of piety and good order, the change arose chiefly from the neglect, on the part of the Legislature, to increase the means of grace in proportion to the augmented population. The late Government was aware that the mere providing of accommodation in places of worship was by no means a sufficient criterion as to the adequacy of the provision made for the religious instruction of the people, and that it was equally necessary, that the population should be so subdivided as to be placed under the vigilant superintendence of pastors, who could warn them not only publicly, but from house to house, and not have so large a number of families under their care, as to render the discharge of their important week-day duties, either extremely superficial, or utterly impracticable. He feared that all the Ecclesiastical Establishments were in jeopardy, but a sense of their common danger was drawing the bonds of union closer between them. He was aware that any allusions to the interests of vital godliness were very unpalatable in that House; but he had always thought that there is a wide difference between the worldly statesman and the Christian legislator; the former takes a political view of religion, the latter a religious view of politics; the former considers the gospel as a cunningly devised fable; or if he coldly admits its divine origin, disclaims or explains away its peculiar and fundamental doctrines. He may, perhaps, now and then, for the sake of example, impose upon himself the penance of visiting his parish church in the country, though he abstains from religious observance in London, where he passes unnoticed in a crowd; but he never troubles his head as to the mode in which any legislative enactments may affect the stability of the Church, or the progress of true religion. The latter is never ashamed of that gospel, of which he has himself experienced the power; his chief end is to promote the glory of God, and this is the test by which he desires to try every measure, whatever be the quarter from which it may emanate. The hon. Member concluded by moving for leave to bring up the petition.

Petition to lie on the Table.

MEETING IN DUBLIN—-ORANGE LODGES.] Mr. Sergeant *Jackson* hoped that he might be allowed to present the Petition which the counting out of the House on Saturday prevented. It was a petition from the undersigned bankers, &c., inhabitants of Dublin, complaining of the treatment they had received from a mob at the meeting in Coburg-gardens in Dublin, on the 12th inst.; also complaining of their meeting at the Hall of the Guild of Merchants having been disturbed by a similar mob, and praying for protection to the Protestants of Ireland in exercising the right of petition.

Mr. *Ruthven* said, this petition purported to come from the "bankers, merchants, &c.," of Dublin, and yet the very first name on it was that of the notorious "Johnny M'Crea," as he was commonly called, and that was followed by the names of a long list of obscure persons, amongst whom it would be difficult to find a single banker or respectable merchant of Dublin. He supposed, notwithstanding, that those petitions did not come within the designation of "scum of the earth," which the learned Sergeant had on a former occasion applied to the 20,000 persons who had assembled in the Coburg-gardens. The present petitioners had gone armed in a body to the meeting in the Coburg-gardens, and had endeavoured by violence to take possession of the hustings. A fight was the consequence. Their weapons were taken from them, they were well beaten, and deservedly driven from a meeting they attempted to disturb.

Colonel *Perceval* was instructed to state that this petition was numerously and most respectably signed, and he believed such to be the fact. The hon. Member would seem to insinuate that the respectability was all on one side. He would admit that the opposite petition had respectable signatures to it, but so had this. These parties had attended the meeting in the Coburg-gardens at the express invitation of the Trades' Union, who promised them that they should not be molested, and that each side should be heard. Instead of that, they were attacked by armed men, and treated as the petitioners described. He should state that they went totally unarmed to the meeting.

Mr. *O'Connell* said, that the gallant Member's belief was indeed of a very extensive nature, or he would not credit a statement totally at variance with all the published evidence on the fact. The first name to this petition was that of the Rev. John M'Crea, "of Gurtnasheen,"—rather a queer designation for a resident inhabitant of Dublin, and this petition purported to come from the inhabitants of Dublin. The truth was, that this man, and a number of others of his party, preoccupied the room engaged for the holding of this meeting a couple of hours before that fixed for the taking of the chair, and when the requisitionists arrived they found the place in the hands of their opponents. They then called a meeting for the purpose in the Coburg-gardens. Immediately the Orange party set to work; the Orange Lodges in Dublin and its vicinity, seventeen in number, were assembled; they marched 400 strong to this meeting; they forced their way into the middle of it; they then assaulted the people with weapons, and endeavoured to make a rush on the hustings. He (Mr. O'Connell) saw this statement confirmed in a letter from an English gentleman, wholly unconnected with Irish parties, who was present at the meeting. He also understood that a respectable English barrister, now in town, stated that he was present as a spectator at this meeting, and that he never witnessed anything more ruffianly than the assault of those 400 men on the people. They were well beaten and driven from the field, and now they resorted to that House with their complaints.

Mr. *Hume* said, that the letter referred to had been addressed to him by an English gentleman, who stated that those men came in a body armed with bludgeons—that they penetrated to the middle of the meeting, and that they then began to use their weapons; whereupon the people attacked them, took their arms from them, and beat them severely, many having been driven from the field with broken heads. He had every confidence in the gentleman from whom this statement came. He hoped that his Majesty's Government would take measures to put down those Orange Lodges, the source of perpetual turmoil and disturbance in Ireland.

Mr. *Sheil* thought it right that the House and the public should know that there was an Orange Lodge established in the 35th Regiment, at present quartered in Templemore, county of Tipperary. He had received a letter from Rev. Mr. Laffan, Roman Catholic clergyman of that place, stating that on a recent occasion the soldiers belonging to the Orange Lodge in that regiment had rushed into the streets with drawn bayonets, expressing their anxiety that they might meet with a Catholic priest to put him to death, and that they committed various outrages on the Roman Catholics of the town. He hoped that the Government would make immediate inquiry into this matter.

Petition to lie on the Table.

MINISTERIAL SUPPORT.] Mr. *George F. Young:* I wish to ask a question of the noble Lord opposite (Lord J. Russell.) In a discussion, a few nights ago, on the composition of the York Bribery Committee, the noble Lord, referring to my humble name, placed it erroneously among the ranks of his opponents, and said that in four divisions out of five, it would be found registered among the opponents of Ministers. Certainly, if the fact were so, I could not make the statement any ground of reproach; but when it is directly the reverse, and when, for reasons with which I shall not trouble the House, the statement has been a source of pain, injury, and inconvenience to me, which I am quite sure was not the intention of the noble Lord, as I have submitted to him the best proof I could give upon the subject, I trust that with the frankness and candour which always characterize generous minds, he will not refuse me the reparation of expressing that he was in error. I therefore beg to ask the noble Lord if he is satisfied that he was mistaken, when he said that, in four divisions out of five, my name would be found in the list of his opponents.

Lord *John Russell:* I cannot but be exceedingly glad that the hon. Member is so anxious to be ranked among the supporters of Ministers.—[Mr. *G. F. Young:* I wish the fact to be stated, and nothing more.]—I spoke at the time what struck me at the moment, and I believe that my impression was derived from some divisions in which I had seen the hon. Member. One of those occurred at the commencement of the Session, and others upon some amendments of the Municipal Corporations Bill, and I therefore said on the sudden, as I supposed was the fact, that in four out of five divisions, the hon. Member had voted against the Government. I by no means wish to say that on the whole he may not be reckoned one of our supporters; and I believe that, looking at all the divisions since we came into office, my statement will be found erroneous. To a certain extent, therefore, I beg to correct it, and I hope hereafter that I shall have to correct it still more. I hope that I shall have to say that of all the supporters of the present Government, the most steady, uniform, and constant, is the hon. Member for Tynemouth.

Mr. *George F. Young;* I have voted with the noble Lord with great pleasure, and I never separate myself from him without great regret.

Life Assurances.] On the Order of the Day for bringing up the Report on the Stamps and Assessed Taxes' Acts,

The *Chancellor of the Exchequer* expressed his regret that he had not been in his place on a former day, when the hon. Member for Durham adverted to a subject which had occupied the attention both of the present Chancellor of the Exchequer and of Lord Althorp. He had only delayed it with the view of considering the whole question together; but he admitted the importance of giving relief to the lower class of Life Assurances, and he believed it could be done without any great sacrifice to the interests of the revenue. He looked upon life assurances of as much importance to the lower classes as benefit societies, operating as a premium upon industry, and enabling a man, especially in the manufacturing districts, where life was exposed to many casualties, to make a provision for his family. He had therefore taken the scale alluded to by the hon. Member for Durham, and meant to propose that on all policies of 50*l.* and under, the duty should be 2*s.* 6*d.*; that on all policies of 100*l.* it should be 5*s.*; and with policies of 500*l.* and upwards he meant to do nothing. This would be the scale; but if he had wished to give relief to all classes it would be nearly impossible to guard against fraud, since insurers to the extent of 500*l.* would split their policies into five of 100*l.* each, and would thus injure the revenue. He had the greatest possible pleasure in declaring his intentions in this respect.

Report received.

The Registration of Voters (Ireland.) The House went into Committee on the Registration of Voters' (Ireland) Bill.

Several Clauses were agreed to.

On Clause 49 being proposed, which, as we collected, declares that the right of voting shall vest in 10*l.* freeholders, having a beneficial interest to that amount in the produce of land,

Lord *Clements* proposed, by way of Amendment, that the meaning of the words "beneficial interest" should be more clearly defined by the insertion of words to the effect, that such interest should be a beneficial interest to the value of 10*l.* issuing out of the land beyond the payment of rent, tithe, and other outgoings.

Mr. *Randall Plunkett* thought the Amendment proposed by the noble Lord would not make the matter any better, and he moved that the Clause be expunged from the Bill.

Mr. *O'Loghlen* supported the Clause.

Sir *William Follett* said, that if this

Bill as it stood passed into a law, not merely 10*l.* occupiers, or 40*s.* tenants, but every person who held land in Ireland would be entitled to a vote. According to the clause, the question of qualification would rest on the solution of this point—how much the party made by occupying, how much he made by his pigs, his cows, milk, and potatoes. Now the object of the Bill professed to be, that freeholders in Ireland should be *bonâ fide* the same as freeholders in England, but the clause prevented this. It would produce very nearly universal suffrage in Ireland. In England, a person occupying premises rented at 100*l.* a-year would probably make from 200*l.* to 300*l.* out of them, after paying the rent; but he had no vote as a freeholder, for he had no interest in the land. If, therefore, the Clause was not altered so as to assimilate the right of voting as freeholders in Ireland to the right as it existed in England, he should vote for the amendment of the hon. Member for Drogheda, that the Clause be wholly expunged.

Mr. *O'Connell* supported the Clause, and contended that the beneficial interest intended by the Reform Bill was one of 10*l.* coming in to the tenant out of the land over and above what he paid for it as rent.

Vicsount *Morpeth* said, that the justification of the government in proposing this clause, and the object of the Bill was this—merely a declaration what the amount of the beneficial interest arising out of land should be. He had no objection to the amendment of his noble friend (Lord Clements) to define the meaning more strictly:

Some verbal amendments were made in the Clause. On the question that the Clause stand part of the bill,

The Committee divided: Ayes 69; Noes 27; Majority 42.

List of the AYES.

Adam, Admiral
Attwood, J.
Baines, E.
Baring, F. T.
Barry, F. S.
Baldwin, Dr.
Bish, T.
Blake, M. J.
Blamire, W.
Brotherton, J.
Brady, D. C.
Bridgman, H.
Bowring, Dr.
Brocklehurst, J.
Buckingham, J. S.
Callaghan, D.
Carter, J. B.
Chalmers, P.
Chichester, J. B. P.
Clements, Lord
Crawford, S.
Crawford, W.
Dillwyn, L. W.
Divett, E.
Dykes, F.
Etwall, R.
Ewart, W.
Ferguson, Sir R.
Fielden, J.
French, F.
Hector, J. C.
Hindley, C.
Hodges, T. L.
Hoskins, K.
Howard, P.
Lennox, Lord
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Macleod, R.
Morpeth, Lord
Mullins, F. W.
Murray, Rt. Hon. J. F.
Nagle, Sir R.
O'Connell, D.
Ord, W.
Parnell, Sir H.
Pease, J.
Potter, R.
Poulter, J. S.
Pryme, G.
Rolfe, Sir R. M.
Ronayne, D.
Russell, Lord J.
Ruthven, E. S.
Scholefield, J.
Smith, V.
Tancred, H. W.
Thorneley, T.
Tooke, W.
Villiers, C. P.
Wallace, R.
Warburton, H.
Walker, C. A.
Wakley, T.
Williams, W.
Williams, W. A.
Young, G. F.

TELLER.

O'Loghlen, M.

List of the NOES.

Archdall, M.
Bonham, F. R.
Boldero, Captain
Bruen, Colonel
Cole, Hon. A.
Codrington, R.
Damer, Hon. Colonel
Fancourt, Major
Follett, Sir W.
Grimston, Viscount
Hamilton, Lord C.
Jones, Captain
Jackson, J. D.
Longfield, R.
Maxwell, H.
Perceval, Colonel
Powell, Captain
Reid, Sir J. K.
Sandon, Viscount
Trevor, Hon. A.
Twiss, H.
Vesey, Hon. T.
Vere, Sir C. Bart.
Wood, Colonel
Young, J.

TELLER.

Plunket, Hon. R.

Mr. *O'Loghlen* proposed a declaratory clause, giving power to adjourn the polling in case of violence.—Agreed to.

Mr. *Fitzstephen French* said, he did not mean to press the first amendment of which he had given notice. The second Clause, however, by way of amendment, he felt bound to take the sense of the house upon, because he thought it of essential importance that the practice, as regarded polling places in Ireland, should be assimilated to that which prevailed in England. He had often discussed this subject before, therefore he should not now detain the house upon it; he would only say, that by reference to a Parliamentary Guide, published by Mr. Moss, a book that contained more valuable information on this subject than any he had seen, it would be found from the number of registered voters in the counties, that it would be impossible without increasing the number of polling places, to give all the voters an opportunity of exercising their franchise. The Clause he had to submit was—" And whereas it is fit and expedient that convenient places should be appointed in each county for taking the poll, so that if possible no person shall have more than fifteen miles to travel from the property in respect of which he shall claim to vote. Be it enacted that it shall and may be lawful for the Lord-lieutenant or other chief governor or governors of Ireland for the time being, on or before the 1st day of January next, after the passing of this act, to divide such county or counties or divisions of the counties as he shall think fit, into convenient districts for polling, not exceeding in number fifteen, and in each district shall be appointed a convenient place for taking the poll at all elections of a knight or knights of the shire to serve in any future Parliament; and such districts and places, when so settled and appointed, shall be notified in the Dublin Gazette, and to the clerk of the peace in each such county, who shall forthwith give notice of such places of polling by public advertisement in some paper published or circulated in such county.

Viscount *Morpeth* observed that he felt very well inclined to agree to the principle of the proposed clause, but he was not prepared to sanction its insertion in this Bill. There were a great many experiments introduced by this Act, and he considered it inexpedient to make any further changes which he was not quite sure could be effected with success. He admitted that if he found a great concurrence of opinion on the part of the Irish Members in favour of this clause, he should be disposed to waive his objection to it; but, on the contrary, if he found a great variety of opinions on this subject amongst the representatives of Irish counties and boroughs, and, if anything, a prevailing opinion against the adoption of the clause, he should resist its introduction.

Mr. *O'Loghlen* felt great difficulty in agreeing to place the polling in Ireland under the control of a Sheriff's deputy, away from the presence of the Sheriff himself, which this Clause, if carried would do.

Mr. *Wyse* considered that by adopting this Amendment the House would only be following out the principle of the Reform Bill. It had been tried in England where it had answered exceedingly well, and he could see no objection to the introduction of the system into Ireland.

The Committee divided on the Amendment; Ayes 29; Noes 60; Majority 31.

The Bill went through the Committee.

The House resumed.

INTIMIDATION.— KERRY ELECTION. ADJOURNED. DEBATE.] Mr. *Morgan J. O'Connell*, on the Motion that the debate on the Kerry Election Petition be resumed, rose to complain that the petition was a series of either misrepresentations or falsehoods. He denied altogether that the Knight of Kerry had lost the election through intimidation, either by himself, his political friends, or the priests in that county. That placards had been exhibited of a party nature was natural at a disputed election in Ireland, but that there had been any attempt to intimidate by affixing the emblem of a death's head and cross bones over the doors of those who chose to vote for his opponent was most untrue. As to the circumstances stated in the petition as having taken place upon the Sunday previous to the election in the chapel of Listowel, it was proved to be untrue even by the circumstance of its having never been mentioned as a charge against him or his friends during the heat of the election upon the hustings by any one opposed to him. The placard called "the Patriot's Curse," said to have been exhibited there, was a shameless forgery, and, strange to say, appeared in the London paper, *The Times*, first. Its authors were known, and the delusion attempted to be practised was dishonest and most unworthy. He denied that the Roman Catholic clergy had, to influence votes, threatened to refuse the rights of the Romish Church to, or had refused to christen the children of, such Catholics as should vote for his opponent. In conclusion he must say the petition contained phrases and expressions which he certainly thought highly indecorous, and such as the petitioners, who were men of property and character, ought never to have allowed themselves to subscribe their names to as sanctioning calumnies of so gross a nature against other respectable gentlemen. Upon the whole he assured the House the petition was replete with a variety of misrepresentations and unfounded assertions.

Mr. *Mullins*, thought he should neglect his duty were he not to defend his constituents against accusations like these. He could confirm all the statements of the hon. Member who had just taken his seat and could assure the House, that the electors were allowed the full, free, and conscientious exercise of their privilege.

Mr. *O'Connell* regretted that so much attention had been paid to such a piece of impudent mendacity—such an outrage of common sense. There had been in this case a petition under the Grenville Act, and in support of that witnesses might have been examined. If the petitioner spoke the truth he would now have been sitting in that House. Up to the last hour, even when the day of ballot came, he alleged that he could prove his allegations; but when the opportunity was afforded him he retired. Of another Knight it was said, that—

> "He loves and he rides away;"

but of the Knight of Kerry it could truly be said—

> "He hates and he rides away."

Careless of the allegations set forth in his petitions, he neglected to avail himself of the only opportunity that could be offered for establishing the truth of them. The Patriot's Curse about which so much had been said, was a hoax, practised by some anti-patriot on the correspondent of *The Times*, and now amongst other falsehoods was introduced into the body of the petition—a petition so absurd in its structure as to be equally false and ridiculous. As to the attacks made upon himself he utterly despised them.

Mr. *William Ord* wished to say that he had not stated that the Knight of Kerry had brought the subject of the "Patriot's Curse" before the Committee—it was mentioned by a stipendiary magistrate.

Mr. *Maurice O'Connell* said, that the Knight of Kerry was a Member of that same Government which instituted the investigation into the subject just mentioned.

Colonel *Perceval* contended that there were many reasons why the Knight of Kerry should not have taken any other course than that which he had adopted, and amongst the number was the expense attendant on any other proceeding. The conduct of the Roman Catholic clergy in Kerry had much influence upon the election adverse to Mr. Fitzgerald, and the language they used was of a most violent and inflammatory description, in some cases amounting to a threat of a denial of the rites of the church to any person voting in favour of Mr. Fitzgerald.

Mr. *O'Connell* said, that the Bishop of the diocese would immediately punish such conduct on part of Catholic clergymen, and contended it could not have been practised.

Mr. *Praed* said, it could not be expected that Mr. Fitzgerald should himself have been at the expense of proving that intimidation which was quite a public concern, as much so as the Great Yarmouth and the York cases.

Petitions to lie upon the Table.

AMENDMENT OF THE MARRIAGE ACT.] The Report of the Marriage Act Amendment Bill was brought up, on the Question that the Amendments made by the Committee be agreed to,

Sir *William Follett* wished to make a few observations upon this occasion as to his intentions with regard to this Bill. Under the existing state of the law marriages, within a certain degree of consanguinity, were prohibited, and were by the Ecclesiastical Law declared void; but then the Ecclesiastical Courts did not act unless a suit were instituted in the lifetime of the parties. And what was the effect of that? Parties married within the prohibited degrees of consanguinity—lived together as husband and wife—and had children; it was at the option of any person, though in one particular mode of proceeding, to make that marriage invalid, and the children illegitimate! And worse than that, it was at the option of either of the parties, indirectly to get the marriage declared invalid. It was agreed on all hands that that was a state of the law which ought not to exist. Those marriages ought either to be declared void, or made valid altogether; and a contract of so solemn a nature ought not to be left at the mercy of the interest, or the temper of any other person. Now what did this Bill do? It made all such marriages for the future absolutely null and void, that was the main object of the Bill. Some hon. Members said that there were some particular degrees of affinity within which marriage should be permitted. Suppose that were the case, the object of the Bill was to prevent uncertainty in the Marriage Law; and the proper course, therefore, would be, to declare those marriages at once good and valid. This Bill made no such exception; though he was aware that the division the other night proceeded on the principle that there was one particular degree of consanguinity within which marriage ought to be allowed, viz., the sister of a deceased wife. With respect to that particular relation, he (Sir W. Follett), believed it stood within the same degree as many other cases condemned by the Marriage Law, as the brother's wife, or the niece of the deceased wife. And although many hon. Members were of opinion that the case of the sister of a deceased wife came not within the prohibited degrees, he (Sir W. Follett) could not help thinking that, though undoubtedly many marriages of that kind had proved happy, it would lead to great evil were it to be understood that such marriages would be valid. He should be happy to offer his hon. and learned Friend (Dr. Lushington) any assistance he could give him if it were deemed advisable to alter the present prohibited degrees of consanguinity, but if it were deemed advisable to exempt one particular degree of relationship, such as that which he had just named, from those prohibitions, was it not the proper course to exempt it either by a clause in this, or by a subsequent and distinct Bill; and was it a wise system of legislation to leave the law in its present uncertain state, and yet pass a Bill making valid those marriages which had previously taken place? Now he asked his hon. Friend opposite, either to introduce the clause now, or give notice of a distinct Bill for next Session. The passing of this Bill would in no degree obstruct such a Bill as he had described in the next Session. This Bill did not define the degrees of affinity; it only stated generally, that certain marriages should for the future be void, and did not preclude, on the contrary, it facilitated the introduction of any such Bill of exemption. He hoped, therefore, that his hon. Friend would not object to his Bill on that score. The object of the Bill was to settle the law of marriages, and prevent parties from flattering themselves with hopes of security for the future, while it contained a provision for by-gone days. And when he reflected on the condition of families at present under the uncertainty of the law, and the misery which its rejection would produce, he could not help feeling anxious that it should pass this Session, which he was afraid it would not if Clause 2 were left as amended by the Committee, and he therefore hoped the House would now give its assent to the Amendments made by the Committee on that point. As the Bill stood originally, it would put the law on a sure foundation for the future, by declaring all those marriages perfectly void, leaving it at the same time in the power of any hon. Member who wished to introduce any particular exemptions to bring in a Bill for the purpose next Session. He should, under those circumstances, move that the Amendments in Clause 2 be disagreed to, which would have the effect of making all such marriages for the future absolutely null and void.

Mr. *Poulter* contended that it was impossible at present to deal adequately with the subject under all the present circumstances. In the month of August, to pronounce affirmatively all those marriages null and void, and then in the next Session to bring in a Bill declaring some exceptions to be absolutely good and valid, appeared so inconsistent, that he could only account for it on the supposition that the second Clause was inserted as a kind of set-off, to purchase the consent of some parties to the first. It was evident they did not proceed from the same mind, and he did not consider it was a good mode of legislation to purchase the remedial part of the Bill at the expense of the second Clause; it was well known that all those prohibited degrees of affinity arose out of a statute of Henry 7th., a more absurd law than which never existed. On the whole, he must again protest against the whole of the second Clause, unless his hon. and learned Friend would strike out all the words referring to degrees of consanguinity, thus leaving it open to them in the next Session to consider the whole subject with proper deliberation.

Dr. *Lushington* was satisfied, from experience, that if they passed the Bill in its present form, and allowed marriages voidable for the future to continue, they would increase the number of these marriages between persons within the prohibited degrees at least tenfold. They insured to these parties all the rights appertaining to marriage, and held out an inducement to all men and women to place themselves in this state of uncertainty. It would be better on every account at once to declare such marriages void. He objected to proceeding with a general measure till they had had time to consider it in all its bearings on society. One of the great objects in a Marriage Law was to take care that it was recognised by all other states; he feared, however, that many continental states would not be brought to acknowledge marriages contracted between parties within certain degrees of consanguinity. If once they threw a doubt on the state of the Marriage Law in this country, they would produce the greatest mischief. He thought that the suggestion of the hon. Member for Bridport should be acceded to, that all marriages of this nature, up to the day on which the Bill passed, should be valid; but that all such contracts entered into after that day should be void. The adoption of the former principle would put an end to a great many cruel cases of hardship. He hoped the wishes of the hon. Member for Bridport would be acceded to.

Mr. *Divett* could not consent to alter the Clause with a view to prevent the Bill being thrown out in the other House. He considered it to be a most improper compromise, and could not conceive that they would discuss the Bill under more favourable circumstances hereafter than now. On the whole, as it was impossible at present to go into the consideration of the Marriage Law, so as to define accurately what should hereafter be the degrees of affinity, he could see no reason, nor justice in rejecting the Bill without that Clause; and in thus refusing to do an act of justice to the unfortunate persons now in a state of uncertainty and suspense. He should, therefore, resist the proposition of the hon. and learned Member for Exeter.

Dr. *Bowring* said, that when the rejection of a Clause would peril a Bill so beneficial, he could not make up his mind to do so, and thus sacrifice a certain good. With respect to what his hon. and learned Friend had said as to the law of marriage on the Continent, he must, with great respect, differ from him. Whatever might be the state of the Marriage Law in those states, he was sure that their usages were very much like those of England and that marriage, within the prohibited degrees of consanguinity, were almost universal. He considered that the Bill would introduce tranquillity where all had hitherto been anxiety and unhappiness; and inasmuch as it thus accomplished a certain good with respect to marriages already solemnised, he could not with reference to the uncertain future, reject so much real benefit as the Bill would certainly produce.

Mr. *Warburton* said, the first Clause of the bill rendered it a comprehensive measure of general relief with regard to the past. With respect to future marriages (which was then the only point remaining), was it not against every principle of legislation to leave the law as it was at present? and was it not much wiser to make their marriages void, than leave them voidable? If the hon. Member for Shaftesbury had proposed a Clause making them valid, he (Mr. Warburton) would have understood him; for he went with him in principle, however in expediency he might differ from him. But he, the hon. Member, had done no such thing; he left the law as uncertain as it was at present—and he should vote for the Bill in the manner proposed by the hon. and learned Gentleman Sir W. Follett. Could his hon Friend venture to predict that, in twenty years' time, he could bring round the right Rev. Prelates, in the other House, to consent to declare those marriages valid? And were they for that period to refuse an act of justice to those which had already been solemnized? He, therefore, hoped his hon. and learned Friend would see that it would be better to leave the law in a settled state, by declaring all those marriages void instead of leaving them only voidable, and that he would consent to the Bill.

Mr. *Pease* said, he could not think that marriage was such a contract as should be subject to a Clause like that proposed. He was as much against marriage between persons within the degrees of consanguinity as any one; but he was not prepared to say that, after a marriage had been solemnized, it ought to be done away, because the persons who had contracted it were within the prohibited degrees.

Mr. *Law* disagreed to the Amendment in the Committee. To throw a veil over the fact was beneficial to society; to make provision against future cases was equally so. He hoped the House would assent to the proposition of the hon. and learned Member for Exeter for restoring this Clause. Without prejudice to future legislation as to the degrees within which marriages might be contracted, he thought that, till that was done, it was charity and mercy to parties to say that these marriages should not be contracted, and should not depend on any caprice. The legislature pronounced them void to prevent injury to the parties.

Mr. *Ewart* complained of the inconsistency of making these marriages void at one time and legal at another. Though he considered the Bill as an act of partial legislation, his hon. Friend should be satisfied with having a partial good.

The House divided on the Question that the Amendment be omitted.

Ayes 75; Noes 17; Majority 58.

Amendment omitted—Report received—Bill to be read a third time.

List of the Noes.

Blamire, W.
Brady, D. C.
Bridgman, H.
Brown, Right Hon. D.
Blake, J. M.
Crawford, S.
D'Eynecourt, C. T.
Divett, E.
Ewart, W.
Lennox, Lord G.
O'Loghlen, M.
Pease, J.
Power, P.
Poulter, J. S.
Roche, W.
Ruthven, E. S.
Wakley, T.

TELLERS.

Walker, C.
Ronayne, D.

Publication of Lectures.] The *Lord Advocate* moved the second reading of the Lectures Publication Bill.

Mr. *Wakley* said, he knew very little of this Bill, which had passed the House of Lords without discussion, and had reached the second reading without observation in that House. If the Bill was intended to apply generally to England unless proper Amendments were introduced he should divide the House against the Motion, for it seemed to him that it was intended not only to prevent the publication of lectures but of criticisms on lectures. Again, if it were intended to apply only to private lectures it would be a proper protection, but if it were meant to shield public as well as private from public inspection he should consider that it ought not to receive the sanction of the House. In the present state of the law no such protection was needed; for it was laid down by Lord Eldon, that private lectures could be protected if it were proved there was a breach of implied contract between the lecturer and the individual hearers. In the case of Abernethy *v.* Hutchinson, an injunction was granted to restrain the publication of a lecture, even without any means of discovering whether it were an original or not. Subsequently, however, it was proved in the Court of Chancery that it was a public lecture delivered on a public occasion and the plaintiff in the suit thus finding he could not sustain his cause abandoned it altogether. This was a distinction most worthy of attention for every public lecturer ought to allow the means of exhibiting the instruction which he dispensed, whenever the interests of the public required it; would it not be very improper, for instance, when a public lecturer delivered what was injurious to the peace, the health, or the morals of society, that he should be shielded from public observation? By such a law as that lecturing would be ten times more easy than it was at present; as it was, a great part of the public lectures were a mere farce, for it was absurd to suppose that any art could be taught by a lecture, when the great organ of information, the eye, was shut, not called into exercise. How much worse would they be if by such a law as this they were rendered secure from observation and animadversion. It was preposterous to see such a Bill as this passing the Lords without a word of discussion, and unless the Lord Advocate assured him that public lecturers were not to be shielded from public notice he should divide the House against the Bill.

The *Lord Advocate* said, the principle of the Bill was this, that every man had as much right to claim security for his lectures, as for his books, or any other fruit of his labours or his ingenuity. And that no man coming merely with the professed object of gaining instruction, should have the right of publishing those lectures which were (or ought to be) the lecturer's own property; some of them perhaps the result of the studies or the labour of a whole life, and worth often upwards of a 1,000*l.* to their author.

Mr. *Warburton* knew of no abstract right of property in those cases, the public good was the only test by which they could decide. The case of lectures was not the same as that of copyright in books for there was no monopoly exercised so as to exclude the publication of unpublished writings, but in lectures those who attended the professors in the different sciences had no option, in many cases pupils must attend the lectures, and if they failed in obtaining that information which they required, surely they ought not to be precluded from holding the lecturer up to public censure.

Bill read a second time.

HOUSE OF LORDS,
Tuesday, August 25, 1835.

MINUTES.] Bills. Received the Royal Assent by Commission:—Militia Staff Reduction; Polls at Elections; Larceny Act Amendment (Ireland); Paymaster General; Prisons Regulation; and two Private Bills.—Read a second time:—Excise Acts' Amendment; Court of Exchequer; Excise Incorporation; Exchequer Bills.—Read a third time:—Turnpike Acts' Continuance.

Petitions presented. By Lord LYNDHURST, from Kingston-upon-Hull, against the Report of the Corporation Commissioners.—By Lord BROUGHAM, from Bishopsgate, in favour of the Municipal Corporations' Bill.—By Lord LYNDHURST, from Youghall, against the Irish Corporations' Bill.—By Lord KENYON, the Archbishop of CANTERBURY, and the Bishop of BATH and WELLS, from several Places, against the Church of Ireland Bill.

IMPRISONMENT FOR DEBT.] Lord *Ashburton* presented a Petition from the Chamber of Commerce at Manchester, against the Imprisonment for Debt Bill. When this subject was touched upon a few evenings ago, a noble Lord had stated that their Lordships ought to be anxious to prevent the passing of this Bill, because it afforded extraordinary facilities for interference with their Lordships' landed property. That point, however, formed no part of the present petition, which came from a most respectable body of individuals connected with the trade and commerce of the country, and they expressed their firm conviction, that if the Measure, as it now stood, became the law of the land, it would be destructive of trade and credit throughout the country. He hoped that their Lordships would pay attention to this petition, which, in its details, and in pointing out the defects of the Bill in its present state, displayed a great deal of practical good sense. Indeed he would say, that no question could be more ably argued than this Question was by the gentlemen who had signed the petition. Every member of the Chamber of Commerce at Manchester signed the petition. In his opinion their Lordships ought to take up the Question early in the next Session of Parliament. The second petition against the passing of this Bill was signed by 2,000 tradesmen in the city of Westminster, whose residences were all appended to their names. They made the same complaint against the Bill as the other petitioners had done; and they prayed that a Measure which was so greatly calculated to impede the recovery of debts, which was marked by so much injustice towards creditors, and which would infallibly be destructive to trade, might not pass into a law.

Lord *Lyndhurst* had carefully looked into the Bill, and he felt that, from the intricacy and difficulty of the subject, it would be impossible that it could in the present Session of Parliament be passed into a law. If the Measure should again come before their Lordships at a future time, it must of necessity be referred to a Committee up stairs; and, founded on the result of the inquiry which must then take place, would be the vote which he should deem it necessary to give on the Question. Considering the details of the Bill, he was sure that his noble and learned Friend must concur with him in thinking that it was perfectly impossible for their Lordships, in the due and proper discharge of their duty, especially as they were limited to time, to do anything with the Measure in the present Session. He had seen a deputation from the tradesmen of this part of the Metropolis, and their views exactly accorded with the sentiments contained in the petition.

Lord *Brougham* said, that his opinion as to the respectability of the petitioners, and the attention to which their representations were entitled, agreed entirely with what had fallen from the noble Lords by whom those petitions were presented. As to the individuals who had been alluded to by his noble and learned friend who spoke last—the tradesmen of Westminster—they were indeed a most respectable body of men. Statements coming from such sources deserved, and certainly would command, the most serious attention. The Bill, he admitted, was of the utmost importance. It would, perhaps, effect a greater change than had ever been made in the law of this country. Nothing could be conceived more extensive, or which spread more widely with reference to certain rights of the subject. The details of the Bill were numerous, and he should not trouble their Lordships with any observations on them. He strongly approved of the principle on which the Bill proceeded—that principle being, that imprisonment could not be viewed in the light of compensation to the creditor, but must be considered as a penal infliction on the debtor, which he ought only to suffer when he was guilty of fraud, or of that which amounted nearly to fraud. He deeply regretted that there was so much foundation for the remark of his noble and learned Friend as to the lateness of the Session; because, in his opinion, it was important that this Bill should be passed as soon as possible. He was the more strongly in favour of the Measure being speedily passed when he called to mind the more than ordinary consideration which it had received in the Commons. It had been in committee for six weeks, and it had been, on two occasions, discussed for nine hours. As to hearing evidence, he did not say that such a course would be improper, but, where a great principle was concerned, and where no specific injury could be proved, he did not think that it was necessary to examine witnesses, although it had been done in some cases. What he should suggest would be, that the Bill should be taken up by that House in the next Session of Parliament. No Bill, he conceived, could be more proper for their Lordships' consideration than one which went to alter the law of debtor and creditor. The other House of Parliament had decided on the measure, and he thought that if they took the subject substantively into consideration in the ensuing Session, it might soon be completed. It would, in fact, be only taking up the business where the Commons had left off. The Bill might be brought in here as it had passed the other House. It could then be dealt with as a new Bill, though really their Lordships would only be taking up the old Measure. This course would also give their Lordships something to do in the early part of the Session, when usually there was a great lack of business.

Lord *Ashburton* said, the petitioners themselves admitted that the present state of the law was unsatisfactory, and demanded alteration; but they complained that the Bill which had been passed by the Commons had made the law worse than it was before. They had excluded the opinions of practical men, and adopted the suggestions of *dilettanti* Reformers. There were 60 petitions coming from commercial bodies against the Bill, and nine in favour of it. Of these nine, seven came from persons who were confined for debt, and the remaining two came from individuals who took that mode of making known particular views of the subject.

Lord *Brougham* said, it was quite true that witnesses were not examined before the Committee of the House of Commons, but it was equally true that volumes of evidence had been taken by the Commissioners. Oh! it appeared that some noble Lords did not like the name of Commissioners, and yet they had pursued their labours sedulously, and he would add, profitably. His noble Friend had made one of the most simple slips that could be conceived for a cautious man like him. He had spoken of *dilettanti* Reformers, alluding, no doubt, to the Commissioners. And who were they? Why, the late Attorney-General, Sir Frederick Pollock, who was in office under the Administration of which his noble Friend himself had formed a part, stood at the very head of the Commissioners. Was that learned person one of the *dilettanti* Reformers? Never was a more unfortunate slip made by any unhappy man than had, in that instance, been made by his noble Friend. *Dilettanti* Reformers! If they were so, he would ask, why did his noble Friend and his Majesty's Government select Attorney-Generals from the ranks of *dilettant* Reformers? Really he must defend his noble and learned friend opposite from the charge brought against him by his late colleague.

Conversation dropped.

WEIGHTS AND MEASURES.] The Earl of *Devon* moved that the House resolve itself into a Committee on the Weights and Measures Bill.

The Marquess of *Salisbury* was of opinion that the Bill could not go through the House at so late a period of the Session. The measure professed to remedy certain defects that were embodied in a Bill that had passed last Session. That Bill was brought at a very late period of the Session into their Lordships' House, and was passed, after certain alterations had been made in it. Now, what was the use of that measure? Why, the Commons were now obliged to come forward with another measure to amend it. This subject had been for two years before the House of Commons, and yet the Bill now produced appeared to him to be very defective. The ordinary course would be to send it to a Committee up stairs; but that, he conceived, would be hardly fair, since there would be no chance of getting out of the Committee in time to legislate effectually on the subject in the present Session. This was a very important measure, for it went to alter the whole system of weights and measures. The Bill provided that weights and measures should not be stamped with the stamp of every county, but that there should be one general stamp. Now, he could produce evidence to show that the present mode of stamping was such that it was almost impossible to discover fraudulent stamps. It was also provided that inspectors should be appointed who were to be paid out of the county-rates, whose duty it would be to prevent frauds. He thought that better means might be found for the protection of the poorer class of purchasers. There was a system of a very ancient kind, which might perhaps be beneficially resorted to—he alluded to the appointment of ale-conners, which would, he believed, be more satisfactory to the poorer classes. Those officers might be appointed at the manor courts in every county, and as they would be selected from a respectable class of persons generally known to the inhabitants, their appointment would give satisfaction to the lower orders. He was of opinion that the best course would be to inquire fully into this subject in the next Session of Parliament, and not to press forward this measure at present.

The Duke of *Richmond* said, he believed a more unpopular measure than the former Bill which this was intended to correct, never passed. If the present Bill were not now passed, the farmers and tradesmen who had purchased the prescribed weights and measures would be put to a great and useless expense.

Bill referred to a Committee up stairs.

COMMISSIONERS OF CHARITIES.] The Marquess of Lansdowne, moved the Order of the Day for the second reading of the Charities Commisioners' Bill.

Lord *Lyndhurst* observed, that the object of this Bill was to appoint thirty Commissioners to inquire into the state of public charities in England and Wales. He understood that not all of these Commissioners were to be paid Commissioners, but that out of the thirty not less than twenty were to receive fixed salaries for their services. This Bill, he was given to understand, had originated in the Report of a Committee of the other House of Parliament. At the head of that Committee had been a Gentleman learned in the law, and possessed of great Parliamentary influence in the House of Commons. Their Lordships had not before them any of the evidence on which the Report of the Committee of the other House of Parliament was founded, and the Bill brought into the Commons in consequence of that Report, had passed through all its stages there without any, the slightest, discussion. Their Lordships, he repeated, had neither evidence nor Report before them, and what was more, had not any statement made to them in order to lead them to the conclusion that it was proper to adopt this Bill. In the absence of all reasons for passing the Bill, he could not at the end of the present Session consent to a measure which appointed twenty paid and ten unpaid Commissioners to examine into the state of public charities in England and Wales. He must have some evidence, or at least some statement laid before him to convince him of the necessity for this measure, and till that was done he must protest against the second reading.

The Marquess of *Lansdowne* said, it was not his wish to press this Bill, in case any noble Lord felt inclined to object to it. He had felt that the appointment of so large a number of paid Commissioners was likely to attract the notice of their Lordships, and must attract the notice of the noble and learned Lord. In justice, however, to those who had sent up the Bill from the other House, he must now state the grounds on which this extraordinary number of Commissioners were appointed. The object of their appointment was to inquire in what manner the important investigations intrusted to the care of the Charity Commissioners could be most easily brought to an immediate result; and the opinion formed by a Committee of the other House of Parliament was, that it would be best to appoint a larger number of Commissioners of Inquiry for a limited period—say, to the 1st of March, 1837. It appeared to that Committee, that as there were six counties in England, and also, six counties in Wales, in which the state of the charities had not been examined into, they ought to be examined into in the shortest possible time. He apprehended that it was irregular for any noble Lord in that House to say that a Bill had been adopted in the other House of Parliament, either with or without discussion. He admitted, however, that their Lordships were entitled to have laid before them either the evidence or the Report on which the Bill was founded. Not being in possession of either the evidence or the Report, he should not ask their Lordships to pass this Bill during the present Session. He should therefore propose that the Bill be rejected, or if the noble and learned Lord should think fit to move that it be read a second time this day three months, he should have no objection to second his motion.

Lord *Brougham* did not mean to deny that there was a great deal in the objection made by his noble and learned Friend to the further progress of this Bill this session. This was a Bill for appointing forty-four clerks and commissioners, and therefore their Lordships ought to know something of the grounds on which it was founded. At the same time he was most unwilling—and he had no doubt that his noble and learned Friend was equally unwilling—to show any disrespect to a Committee of the other House of Parliament; and therefore it might, perhaps, be as well, that his noble and learned Friend should give notice of his intention to make this Motion the day after to-morrow. That course would give his noble and learned Friend, and indeed all their Lordships, time to look at the evidence taken by the Committee from whose Report this Bill proceeded. It was highly desirable that the inquiry into the state of our public charities should be brought to a conclusion. At the same time he was not certain that he could adopt this Bill as the best mode of bringing that inquiry to a satisfactory conclusion. There were some clauses which, if this Bill passed, he should like to add to it; but those were matters of detail, and he agreed that it was now too late in the Session to inquire into them. He confessed that he took great interest in this subject, probably from the circumstance that he had been the first proposer of this Commission of Inquiry.

Lord *Lyndhurst* believed that none of the evidence taken by the Committee had been printed; but on that point he might be misinformed. He thought that there was not time to proceed further with the Bill, as he believed that their Lordships would not be assembled in that House on Thursday week; but on that point, perhaps, the noble Viscount was better informed than he was.

Viscount *Melbourne* observed, that if this mode of inquiring into the state of our public charities was a good one, their Lordships were only losing time in postponing the Bill to another Session. If it were deemed necessary that this inquiry should go on, it could only be rendered effectual by the appointment of a greater number of Commissioners, bound to finish their inquiries within a limited time. If their Lordships did not wish this inquiry to be completed, let them reject this Bill; but if their Lordships wished otherwise, let them adopt it.

Order of the Day discharged.

CORPORATION REFORM — COMMITTEE.] On the Motion of Viscount Melbourne, the Municipal Corporation Bill was ordered to be re-committed.

House in Committee. On the 8th Clause, " Every place included within the boundaries of a borough to be part of that borough; places cut off from a borough to be parts of the adjoining county,"

The Duke of *Wellington* said, that the operation of that Clause would be to leave certain parts and districts, which were separate from corporate towns, under the jurisdiction of the county in which they were situate. Now, this would affect materially a very ancient jurisdiction which belonged to the Cinque Ports. The Cinque Ports had hitherto been governed by parts and towns in that district which were corporations. The Bill dealt differently with these various corporations. Some of them were placed in schedule A, and were to have recorders and justices assigned to them; others were placed in schedule B, and would have, if they chose to petition his Majesty, a recorder and justices assigned to them also. There were also other Corporations in the Cinque Ports, which were not adverted to in this Bill. These would be left in the same state in which they were found before the passing of this Bill. The Corporation of Dover, for example, would would be in schedule A; it would have a Recorder and a Court of Quarter-Sessions to support. The corporations of Rye and of Sandwich would be in schedule B, and there were certain other small Corporations, which would be in neither schedule, but would be left in possession of their rights under ancient charters. Besides these corporate towns, there were other towns of some magnitude under the jurisdiction of the Cinque Ports, as Margate with its population of 15,000 souls, which was under the jurisdiction of the Corporation of Dover, and Ramsgate with its population, which was under the jurisdiction of the Corporation of Sandwich. The Clause under discussion would leave these towns under the jurisdiction of the county; but in this case the county was the Cinque Ports. By the Act of the 53rd George 3rd, cap. 36, the Lord Warden of the Cinque Ports was enabled to appoint certain justices of peace for these towns, but these justices were to have no jurisdiction in the corporate towns, or in the members thereof. They have no power to hold quarter sessions; and the consequence is, that these towns, being ancient members of the Cinque Ports, have no jurisdiction for granting licences to public-houses, &c. He did not know whether this state of things had been adverted to by the framers of this Bill. It could not have been the object of the framers of this Bill to put an end to the jurisdiction of the Cinque Ports, for the Bill was entitled "A Bill to provide for the regulation of Municipal Corporations in England and Wales, and for the Administration of Justice in Corporate towns." He wished to preserve to the Cinque Ports their ancient jurisdiction; and with that object he should propose to insert three Clauses in the Bill. The noble Duke laid the three Clauses on the Table.

Lord *Lyndhurst* was of opinion, that from the complicated nature of the jurisdiction of the Cinque Ports, those ports ought to be excepted from the operation of this Bill, and that another bill ought to be introduced at an early period of the next Session, to regulate the corporations contained within them. Such a bill would require great care and consideration in the details. He had reason to believe that the towns of Margate and Ramsgate objected to being thrown into the jurisdiction of the county, owing to the heavy expense which it would entail on them. On this subject the House was legislating entirely in the dark.

Viscount *Melbourne* understood that it was a great source of complaint among these divided and subdivided corporations that the jurisdiction of some of them went far beyond their natural limits. They levied rates and exercised jurisdiction at a considerable distance outside of their natural boundaries. With respect to the town of Margate, he understood that it was under the jurisdiction of the corporation of Dover. No inquest could be held in that town, except under the authority of the mayor of Dover. Margate was twenty miles from Dover, and the distance rendered the connexion between the two towns very onerous to the inhabitants of Margate. If there were any inconsistency in the state of these towns, he thought that it might be remedied in this Bill, and without having recourse to a new Bill. He was of opinion, that the corporate towns only ought to be regulated by this Bill, and that the other towns separate from them should be thrown into the jurisdiction of the county.

Clauses postponed.

On the 15th Clause, Overseers to make lists of Burgesses, &c.

The Earl of *Devon* proposed as an Amendment, that in all corporate towns divided into more than four wards, any resident voter possessing property to the amount of 1,000*l.* in real or personal estate should be placed on the list of persons eligible to serve as Town-councillor, and that in all corporate towns with less than four wards, or without wards, a person possessing 500*l.* of real or personal estate should be placed on the list of persons eligible to serve as Town-councillors in such town. He thought that on every ground this was less objectionable than the qualification proposed by his noble and learned Friend.

Lord *Brougham:* If you are to have a qualification at all, I do not object to this.

Lord *Lyndhurst:* It is your own principle. It is exactly the principle adopted in a bill which had the sanction of the present Government.

Lord *Brougham:* Yes; but why do you take the only bad part of our Bill? By a curious infelicity of selection, you have selected the only part of that Bill which was objectionable.

Lord *Lyndhurst* said, he would not re-open the discussion of the qualification, which had been so fully argued at both sides on a former evening. He might however mention, that of the eighty local Acts of Parliament connected with the corporations in this Bill, he had examined all but four, which he could not find, and in all those he had read he found the principle of qualification recognized. In many of those acts the qualification was as high as 2,000*l.* or 3,000*l.*, and in only six acts did he find it lower than 500*l.* Many of these acts vested high and important trusts, all of which would, under this Bill, be vested in the Aldermen and Town-council. How, then, could it be said, that where such powers were to be transferred, there should be no qualification?

Lord *Brougham* did not object so much

to qualification as to the principle that Town-councillors should be chosen only from the richest class in the town. As, however, a qualification was to be at all, he would not object to that of the noble Earl. It mitigated the evil principle, as the Manicheans would say, of his noble and learned Friend's Amendment. In fact, it was a virtual repeal of that Amendment; but the changes which had been made in other parts of the Bill were such as made it a matter of doubt with him whether it was worth while to proceed with the Bill.

The Amendment agreed to.

On the Amendments to Clause 25, relative to the persons to be chosen Mayor and Town-Councillors,

The Marquess of *Lansdowne* asked whether, if the existing Mayor and Aldermen were to be continued, they should be continued without the qualification of Town-Councillors, as now proposed?

Lord *Lyndhurst* replied in the negative. The qualification of the Mayor and Aldermen must be continued, or they could not continue to hold those situations.

Lord *Brougham:* But if those officers were to be appointed for life, as his noble and learned Friend proposed, they might be continued without a qualification. He had been informed of one Corporation, the Mayor of which was insolvent. He had not taken the benefit of the Insolvent Act; but he was quite insolvent, and had not paid his creditors. Of the four Aldermen, the senior Alderman was an uncertificated bankrupt; the second Alderman was a pauper, and actually receiving parochial relief. There was another, who was also insolvent, and in fact there was only one who was in solvent circumstances. Now, under these circumstances, he wanted to know whether such men would be continued without a qualification?

Lord *Lyndhurst* said, that according to the Bill, if the Town-councillor became bankrupt or insolvent, he lost his appointment. The same principle would apply to the Mayor and Aldermen. He would not object to have the Mayor and Aldermen make a declaration as to qualification in the same way as the Town-Councillors.

Clause agreed to.

On the 59th Clause, Lord Lyndhurst proposed as an Amendment, that the Town-Clerks should hold their offices as heretofore for life, or during good behaviour, which was in practice the same thing. This Amendment had been proposed by a noble Lord in the other House and rejected, but he believed their Lordships would, after the other Amendments which had been made in the details, see the expediency and justice of agreeing to this also.

Lord *Brougham*: My Lords — I am not at all surprised at this — it is what I expected would be kept as the last of those alterations and Amendments which it has pleased my noble and learned Friend to introduce into the Bill: I only wish he had given notice of it three weeks ago; for I am morally certain, that if he had, the "worshipful" body of Town-clerks, who have so distinguished themselves by diligently instructing counsel at your Lordships' Bar, would have saved your Lordships the speeches of twelve or fourteen hours, which those counsel uttered—would have saved your Lordships those other speeches of that same counsel, delivered under the pretence of hearing evidence at your Bar—would have saved your Lordships all those eulogies which were bestowed by these Town-Clerks on themselves, and on those Corporations, to which they belonged, (or rather which belonged to them, and for whose use they existed) we should, my Lords, have been saved all this: and should probably have been for the last ten days in the country released from our legislative duties. The whole of that opposition to the Bill which has been got up by the Town-Clerks, has arisen from the fear of losing the places which they have so long possessed, and from the fear of losing those good and worthy Aldermen, who have so long been the tools and instruments of their designs. My Lords, it is essential to the existence of these Town-Clerks that they should have the run of the Corporations for their lives—that they should have all the little jobs of the Corporations—that these solicitors and attorneys should have the power of bringing actions against different parties, in order that they may sport with the funds of the Corporations, by running up long bills (as in one case, to the amount of 2,000*l.*) and my Lords, I repeat, we should have been saved all these speeches—all this body of evidence—all this opposition to the Bill, if these Town-Clerks had but known that their "business would have been done for them by such a Clause as this! My Lords, to say that this alteration will make the Bill worse than as it now stands, is perhaps a strong assertion, for, after keeping up those good and worthy Aldermen (whether they are old and corrupt, or young and fresh, (I will not say) - it is difficult to conceive anything half so hateful as this Bill would be even without this alteration; but if any thing could make this Bill worse than it is, it would be the proposition of my noble and learned Friend, for keeping these men in office, who unite in their own persons all the rottenness and corruption which exists (as I think is admitted on all hands.) in close and self-election, to the utter exclusion of the public voice. My Lords, the keeping up the present Town-Clerks, engaged in all the business of the Corporations, in a manner so oppressive and disgraceful to the whole communities;—so exclaimed against, even by those who are for many other alterations of the Bill—the keeping all those men in their present power and authority, why, it is telling the people of this country that there is an affectation of Reform—that there is the semblance of change—that there is the name only of "Municipal Reform" and that every thing remains the same, in substance, if not in outward appearance; for with the exception of the change in three parts of the Council, which is a most trifling exception, —all is left untouched; and when you leave in the old and corrupt Aldermen, and the present Town-Clerks of the old Corporations, the fountains of that close election, and that self-election, which it is proposed to destroy—I say, my Lords, that even the election of the remaining three-fourths of the Council will become almost as nothing to counterbalance the rest. My, Lords, I know it is in vain to endeavour to turn your Lordships from this! I know the more the Bill is changed, the better for you! the more of the old system, with all its corruption and rottenness, remains clinging to it, and tainting it—the better pleased are your Lordships. You hate the Bill! You told us that you "detested the principle of the measure." And I well knew when I heard one after another of your Lordships say you detested the principle of the Bill, and yet offered no opposition to going into Committee—I well knew, my heart sank within me at the thought—I well knew, that we had only to choose between the sudden destruction of the Bill on the second reading, and its more lingering dissolution in the Committee; but such a clause as this, and that which retained the Aldermen, is worse even than sudden death? Yet I know, my Lords, that all arguments are vain—I almost lament, on my own account, as well as on the part of others, that I take the trouble to argue with your Lordships—I know that anything I can say, is only likely to make you cling firmer to the Amendment, I know that any regret which I can express is more likely to be an argument in its favour, and that my sorrow will only increase the triumph which your Lordships are obtaining over the measure. Yes, my Lords, I believe that if an angel from heaven were to descend, and with silvery tongue, or with the voice of a trumpet, were to endeavour to persuade you by the one, or to terrify you by the other,—I know, my Lords, that the charmer charm he never so wisely would find himself addressing the deaf adder: and that were he to exclaim against you with a tone of thunder, he would not create one emotion in those who can trifle with the universal desire, and are deaf to the public voice on this most important subject? My Lords, if my noble Friend still intends to go on with this Bill, I am sure he exhibits a greater degree of patience, and of hope, than I can boast of; certainly if he yet cherishes hope, it is not a hope founded on any principle of reason, but on a mere chance—the bare possibility of something, which no man's wisdom can foresee, which no judgment can prevent, or produce; of something which unexpectedly, may turn up to save some small portion of this now-destroyed measure. My Lords, I consider it would be useless, and at the same time tedious to attempt anything more in the way of argument on this measure. Your Lordships will carry the Amendment, in the usual way; by a majority of three to one, the proportion by which you carry everything against this measure; and all I hope for, my Lords, is, that the people of this country will know and feel to whom they owe this Bill; who would have given it to them,—and that it will be a lesson to them, which they will allow no time and no change ever to erase from their memories!

Lord *Wharncliffe* said, by the Reform of the Scotch Burghs Bill, not only were

Town-Clerks allowed to hold offices for life, but Chamberlains also held their offices for life. If, therefore, their Lordships were to be held up to the people as enemies to all Reform because they allowed Town-Clerks to hold their offices for life, so also must his noble and learned Friend, for having adopted the same principle in his Scotch Burghs' Reform Bill.

Lord *Lyndhurst* regarded the speech of his noble and learned Friend more as an attack on the Town-Clerks than an argument against the proposed Amendment.

The Earl of *Winchilsea*, though still opposed to the principle of the Bill, was yet of opinion that the Amendments that had been made by their Lordships would give satisfaction to the great body of the people.

Viscount *Melbourne* conceived, that the House had been pledged not to make any further alteration in the Bill. Even at present, the change which had been made in the measure, by which a fourth of the Town-Council were to hold their offices for life, would have the effect of overwhelming the independent part of the Council.

The Marquess of *Lansdowne* remonstrated against the general inexpediency of enacting, that the Town-Clerks should hold their offices for life, and thereby rendering them independent of the Councils. Why free persons, who were the servants of others, from the control of their employers? The common sense of their Lordships would induce them, except in some extraordinary case, to retain their private Solicitors, who were familiarly acquainted with all their affairs, for life; but would they submit to have their Solicitors imposed upon them for life by Act of Parliament? Would not that in a great measure be to render their Lordships' Solicitors, masters of their property? Why should the House go out of their way to effect a change which must necessarily be injurious? Why create an independence that might be abused? Why enable the Town-Clerks to bid defiance to those by whom they had been appointed to their situations?

Lord *Lyndhurst* observed, that in many Boroughs, the Town-Clerks held their offices during good behaviour. Why put them in a worse situation, by enacting that they should go out every year?

The Marquess of *Lansdowne* inquired who ought to be the Judges of the propriety of the Town-Clerk quitting his office—the Town Council, or the Town Clerk himself? Ought the latter to be permitted to retain his situation in opposition to the wishes of the governing body of the town?

The Marquess of *Salisbury* said, that many Town-Clerks on their election had, in the full confidence that they would be allowed to retain the office for life, given up their professional practice.

Lord *Brougham* said, that he had never seen or heard of such a phenomenon in natural history as a Town-Clerk who, on being made so, had given up his practice as a Solicitor. On the contrary, a Solicitor generally accepted the office of Town-Clerk, to add to what little practice he might have had before. Hitherto, Town-Clerks had naturally been anxious to give satisfaction to their employers. If this Clause were agreed to, they would be indifferent on the subject. Would that be likely to promote harmony in boroughs? Such a thing had never been heard of as an office, held during pleasure, suddenly converted by a retrospective Act of Parliament into an office for life. The question would arise, what, under such circumstances, were to be a Town-Clerk's salary and emoluments? He presumed, that his noble and learned Friend's next proposition would be to tack a Money Clause to the Bill for the purpose of regulating that salary and those emoluments; for nothing was more likely than that when a Town-Council found that the Town-Clerk was independent of them, they would be indisposed to draw their purse-strings, and pay him liberally. What also was to be done with the Town-Clerk, when he became old and superannuated?

The Marquess of *Salisbury* observed, that the Town-Clerk of Bath had stated at their Lordships' Bar, that when he was appointed to the office he had, by desire of the Corporation, given up his practice as a Solicitor.

Lord *Lyndhurst* repeated, that in a great many Boroughs, the office of Town-Clerk was at present held during good behaviour. It was an office the adequate discharge of which required great care and attention and self-devotion, and therefore it ought to be held during good behaviour, or, in other words, for life. The Clause, which he proposed, had been supported by a large minority in the other House of Parliament. Would their Lordships remove, without any imputation upon them, those Town-Clerks who now held their offices during good behaviour, merely that new ones might be chosen in their stead? He knew that they would not do so, because he knew that they would not be unjust. He had never known an instance of a Town-Clerk having been removed, although he held his office only during good behaviour. Why place those individuals in a worse situation than that in which they were at present? The first object of his Clause was to make the office a permanent one; the next object was to provide that the persons who now filled that office should continue to hold it.

Their Lordships divided, on Lord Lyndhurst's Clause:—Contents 104; Not-Contents 36; Majority 68.

List of the NOT-CONTENTS.

DUKES.
Richmond
Grafton.

MARQUESSES.
Clanricarde
Westminster
Lansdowne
Conyngham
Northampton
Headfort
Queensbury.

EARLS.
Errol
Leitrim
Minto
Litchfield
Albemarle
Radnor
Burlington
Charlemont.

VISCOUNTS.
Torrington
Melbourne
Duncannon
Gage

BARONS.
Brougham and Vaux
Segrave
Plunket
Strafford
Mostyn
Hatherton
Howard of Effingham
Barham
Glenelg
Auckland
Holland
Calthorpe.

BISHOPS.
Chichester
Bristol
Hereford.

Lord *Lyndhurst* proposed a Clause, to the effect that the power vested in Corporations with respect to Church property, should be confined to members of the Established Church.

Lord *Brougham* observed that if, as was said, the members of the Established Church were nine to one in England, surely there could be no real danger in vesting this power in the inhabitants of towns generally, without any distinction whatever.

The Bishop of *London* remarked that it was very true that the proportion of members of the Established Church to the Dissenters was as the noble and learned Lord had stated; but the Dissenters were generally congregated in the towns, and usually belonged to that class of persons, out of whom the members of the Corporation would be chosen. If, however, those selected to form a portion of the corporate body were invariably likely to be conscientious and religious Dissenters, he should have no objection to their proposed control over this property; but the case was not an improbable one, that certain persons who might be considered not so much a political as a religious class, belonging to the Dissenting body, would select a clergyman who would not be likely to win respect to the Established Church.

Viscount *Melbourne* could not see why, when Dissenters were admitted to be members of the Corporation, they should not nominate to the benefices under the control of the Corporation, those who were the best qualified, particularly when it was out of their power to select any other than a clergyman of the Established Church. The worst choice which they could possibly make, as members of a Corporation, would be to elect the person who had the greatest leaning towards their opinions in politics. They must appoint a clergyman of the Established Church — who is inducted according to the rites and ceremonies of the Church; and supposing that they were men of a conscientious character, he did not see why, if the patronage was to be vested in private individuals at all, it might not be safely vested in such persons. He should be glad to know what course the noble Lord would take in the case of a Corporation where the whole or the great majority of its members were Dissenters? It appeared to him, that the apprehension of the noble and learned Lord on this head was a shadowy one, without any substantial foundation whatever.

Lord *Plunkett* said, that the charge of the right hon. Prelate against the Dissenters was one which, if well followed, must imply a degree of baseness and profligacy which would well warrant them in treading back their steps and re-enacting such laws as the Test and Corporation Acts. It filled him with astonishment and sorrow that the right reverend Prelate should appear to look back with regret on his support of every liberal measure which had received the sanction of the Legislature. Such an imputation as that which he had cast on the body of the Dissenters, was an unjust, offensive, and odious one.

The Bishop of *London* observed that he had not said anything against the body of the Dissenters. What he had stated was, that a considerable number of them should be considered rather as a political than a religious body. That assertion he repeated, because every day's experience proved the fact. The noble and learned Lord, who appeared strongly inclined to vent his wrath upon him, had also implied that his support of liberal measures was pretended, and that he looked back with regret and remorse to his support of those measures which had for their object the relief of his fellow-subjects from the restraints under which they laboured. All he could say in answer to that accusation was, that he had given a cordial and sincere support to the measure for the repeal of the Test and Corporation Acts on political as well as on religious grounds. Although the consequences which he had expected to flow from that measure had not resulted from it, yet he could lay his hand on his heart and say, that if the Act were now proposed, he should urge the same reasons, and give the same vote in its favour. There was no act of his life which was intended to emancipate his fellow-subjects from thraldom, to which he looked back with anything approaching regret or remorse. There was only one measure for relief from what was termed religious thraldom, to which he was opposed, and that was Catholic Emancipation; and he need scarcely say, that if that measure was again brought forward, he would oppose it as strenuously and determinedly as he had ever done.

Lord *Holland* did not rise for the purpose of denying the prevalence of political opinions and feelings amongst any part, or even the whole of the body of Dissenters. He believed that they were actuated by political feelings, but they were political feelings entertained in common with all those who desired to uphold the free constitution of our country. They were political feelings to which their Lordships owed the freedom of the country; they were political feelings which were mainly instrumental in securing the House of Hanover on the throne of these realms. They were foremost in their love of liberty, of the constitution, and of the principles of which the House of Brunswick was the representative. He did not mean to deny the existence of these political feelings amongst the Dissenters; but their existence amongst them was no reason why they should be deprived of rights which, even during the existence of the Test and Corporation Acts—during the time of persecution amongst them—they were allowed by the common law of England to enjoy. The immediate clause which the noble and learned Lord moved, might be a matter practically of very great importance; but the principle involved in it was abhorrent to the constitution of the country; and he ventured to say notwithstanding the quarter from which it proceeded, that it was contrary to all the principles and maxims of the law of England. If such amendments were agreed upon by their Lordships (which was not very likely)—if it were sanctioned by the Commons of England—the consequence would inevitably be, that after the abolition of the Test and Corporation Acts, a test might still be applied to all lay patrons which would have the effect of depriving them of their rights. In the persecuting Acts against the Roman Catholics, the right of patronage in their advowsons was abrogated; but in no other instances was that right denied. He recollected a case which came before Lord Eldon, in which the right of patronage was exercised by a Jew amongst other inhabitants of a certain place. This right was questioned, and Lord Eldon decided that he had the right to vote, laying it down as a rule, that the security of the Church was to be guarded only by preventing any man being appointed who did not subscribe to the Thirty-nine Articles, and who was not inducted by the diocesan. There was slipped into this Clause, a principle pregnant with every species of intolerance; and he was sorry to see the right Reverend Prelate sanction a clause, which if agreed to, would justify an inquisition into the religious creed of every man in the country. Last night he heard, and certainly with astonishment, that when the members of the Established creed were few, a proud and expensive Church Establishment should be kept up. To-night, however, it was held that when the number of Dissenters was extremely small—when they were in the proportion of one to nine as compared with the members of the Established Church, that was announced as a strong ground of exclusion against the Dissenters, so that all was fish that came to the net of the noble Lords opposite. He would no longer detain their Lordships; but he could not sit down without saying, that the greatest stain on the history of this country was, that it kept up laws of exclusion too long, and it was the proudest recollection of his life that he had done some little towards the abolition of laws, which (like the principle on which the present Clause was founded) were the sources whence flowed the bitter waters of exclusion and persecution.

Lord *Plunkett* said, that the more he reflected on the tendency of this Clause, the more justified he felt in applying to the arguments of the right Reverend Prelate the observations which he had done. It was an imputation the most flagrant and a flagitious perversion of truth, to assert that the Dissenters would exercise the trust reposed in the body to which they might belong, for the benefit of the Established Church, in such a way as would overthrow the Church.

The Bishop of *London* alluded to the Dissenters, not as a religious sect, but as a political body, and he apprehended that it was not unlikely in certain cases, where more than two candidates appeared for a living, that the political body, acting upon principle, would choose the least efficient. The noble and learned Lord must be aware that there were in that body persons who could hardly be classed under the denomination of religious and pious Dissenters. He was the last man to say any thing against the Dissenters as a religious body, but when it was proposed to vest them with new powers affecting the Church, he felt not only that he was right, but that he was in duty bound to take the course which had given rise to the noble and learned Lord's remarks.

Lord *Brougham* said, that the argument used by the right reverend Prelate was calculated to make the Dissenters appear odious in the eyes of the members of the Establishment. The right Reverend Prelate took it for granted, that there was among the Dissenters a large body, who if this power were given, or rather he would say, continued—for it existed already—would exercise it in a base and flagitious manner. "Many of them," said the right reverend Prelate, "are not conscientious and pious Dissenters, but political Dissenters. These are the men I dread." Might not the same assertions apply to the members of the Established Church? Were there no impious and unconscientious Church of England men; and had the right reverend Prelate no dread of them? "These political dissenters," said the right reverend Prelate, "under the denomination of Presbyterians or Baptists, or any other name they may choose to assume, may, in fact, be nothingarians or anythingarians—let us have none of them." Was the same objection wholly inapplicable to the members of the Establishment? Were there not numberless Churchmen, who nominally conforming to the Established religion, in fact was nothingarians or anythingarians—quite as impious as any of the political Dissenters of whom the right reverend Prelate stood in such religious horror! For his part he (Lord Brougham) was fully persuaded that those who were most anxious for the downfall of the Established Church were not the Dissenters, but the nominal Churchmen. His noble and learned Friend had moved a Clause to which the substance of the right reverend Prelate's argument might be applied as a preamble. "Whereas, by the Bill, now under the consideration of this House, Dissenters are to be admitted as members of bodies corporate, and thereby will obtain a voice in the distribution of Church patronage; and whereas there is reason to believe that the said Dissenters will enter into a plot to appoint insufficient and unworthy clergymen to the livings within their gift, for the purpose of lowering the character of the Church, and of bringing it into contempt; for remedy whereof be it enacted — ;" and then would follow the Clause of the noble and learned Lord. Such, in fact, was the whole sum and substance of the right rereverend Prelate's argument.

Lord *Wharncliffe* thought it was the duty of the House to take care that the livings in the gift of corporations should not hereafter be placed in the hands of a class of persons different from that which the original donors intended.

Lord *Lyndhurst* really did not understand the insinuations thrown out in the speech of the noble Baron. He had distinctly stated the object of the clause; and it was intended to effect no other object than that which he had stated. These advowsons belonged to the existing Corporations by right and law. It was proposed to transfer them to a newly-constituted body; surely, then, he was at liberty to propose that of that newly-constituted body none but members of the Established Church should vote in the distribution of Church patronage. If a Jew, or any other person not being a member of the

Church, possessed an advowson which by law he might have a right to hold, of course he would be at liberty to appoint; but instances of that kind had nothing whatever to do with the present case.

The Clause inserted.

The House resumed—the Report to be received.

HOUSE OF COMMONS,

Tuesday, August 25, 1835.

Minutes.] Bills. Read a third time:—Marriage Act Amendment; Dominica Relief.—Read a second time:—Stamp and Assessed Taxes.—Read a first time:—Oaths' Abolition.

Petitions presented. By an Hon. Member, from Newbattle, in favour of the Church of Scotland.—By Lord George Bentinck, from the Bengal Chamber of Commerce, for the Equalization of the Duties on East and West India Produce.—By Mr. Potter, from Wigan; and Mr. Wilks, from Wareham, in favour of the Municipal Corporations' Bill.

Publication of Lectures.] The House in Committee on the Lectures' Publication Bill.

Mr. Wakley moved the omission of Clause 2nd.

Lord *John Russell* said, that his view of the matter was, that Lecturers should have the same protection as Authors had. At the same time he was of opinion that it should be fully competent to newspapers and other publications to make extracts from such lectures, and pass comments upon them, with a view of affording the public an opportunity of judging as to their merits. Unless this permission were accorded he should not support the Bill.

Mr. *Wakley* agreed with the noble Lord, that private Lecturers should have equal protection with authors; but he could not see that such Lecturers as those at St. Bartholomew's Hospital (who on the aggregate derived an income of 8,000*l.* a-year from this source) were in any respect entitled to a similar protection.

The Committee divided on the Clause: Ayes 29; Noes 9—Majority 20.

List of the Noes.

Attwood, T.
Bridgman, H.
Chalmers, P.
Crawford, S.
Hector, C. J.
Ronayne, D.
Ruthven, E. S.
Ruthven, E.
Tulk, C. A.

TELLER.

Wakley, T.

The remaining clauses agreed to, and the House resumed.

HOUSE OF LORDS,

Wednesday, August 26, 1835.

Minutes.] Bills. Read a third time:—Illegal Securities; Clerk of the Crown; Special Constables; Wood Duties; Insolvent Courts; Savings' Banks (Scotland).—Read a second time:—Colonial Passengers; Sheriffs (Ireland); and Dominica Relief.

Tithes on Turnips.] The Duke of *Richmond* moved the second reading of the Tithe on Turnips' Bill. It was scarcely necessary for him, after what occurred here a few days since, to trouble their Lordships at any length on this subject. He had no doubt that the decision given by his noble Friend (Lord Lyndhurst), when sitting in a Court of Law, that Turnips drawn from the ground to feed sheep were titheable, was quite correct, and therefore he thought the law ought to be amended; for such a law was a great injustice on the farmer. This Bill had been opposed as a Bill upon a matter affecting only an individual case—a matter not likely to occur again. If he believed that such a case as that on which his noble and learned Friend had decided would never occur again, he should not trouble their Lordships to give the Bill a second reading. But he anticipated on the contrary, that a claim of the sort recently established in a Court of Law, would again and again be brought into a Court of Justice; and such claims ought in justice to be prevented. He thought, too, that every friend of the Church must wish that the difficult and delicate question of tithes should be brought forward with as little prejudice as possible. The question of tithes was in itself already sufficiently complicated, and as a friend of the Church he wished that this new and ungracious claim, never before heard of, should not be added to the rest, to prejudice the minds of people on the discussion of the general question. He moved that the Bill be now read a second time.

Lord *Ashburton* could not consent in this case any more than in any other to proceed on any principle but that of right. He repeated that he objected to legislate on individual cases; at the same time he must admit that since the former stage of the Bill he had considered it more fully than on a former occasion, and that he must allow that the case on which it was founded was a case of considerable hardship; and that if cases of hardship could ever justify the Legislature in interfering, this was a case that would justify it. At the same time he must again say, that upon principle he objected to the rule of the House legislating on individual cases. The noble Duke had stated on the former occasion that it was attempted to levy a tithe upon Turnips moved from the ground for the purpose of the sheep feeding on them in the very field in which they were grown. It appeared that the law sanctioned such a claim of tithe. If that was so, the application of the principle of tithes was most unfortunate, but still it was a legal application of the principle. He should not, however, in this instance, oppose the further progress of the Bill.

Lord *Brougham* agreed with the noble Lord, that if ever there was an unfortunate result from the correct application of a legal principle, this was a case of that sort; but of the correctness of the application of the principle he had not the least doubt. By law the produce of the land became titheable upon its severance from the soil, but here the beast, too, that eat that produce, paid the tithe—for the tithe of agistment was paid; so that the produce paid tithe at once in the animal and in the vegetable form. He was heartily glad that his noble Friend had brought in the Bill to remedy this double payment of tithe in respect of one article; and he thought that his noble Friend was rendering a service to the Church itself by this measure.

Bill read a second time.

RECOVERY OF TITHES.] The Duke of *Richmond* said, that the object of this Bill was to prevent the heavy expense of a tithe suit from being incurred in cases where Quakers, and persons who from religious scruples alone objected to pay tithes, were concerned. It was proposed that tithes under the value of 10*l.* should be recovered from them by summary proceedings before a magistrate, and the remedy in such a case ought not to be against the person of the party, but against his goods. He thought that the case of the tithe process which had occurred some time ago, had produced a bad effect in the country, and, for the sake of the Church itself, he should wish to see the present measure adopted.

The Earl of *Rosslyn* did not rise to make any objection to the second part of the proposition, which, indeed, he thought might advantageously be adopted; nor to say any thing against the abstract justice of the case with respect to the first proposition: but he submitted to the noble Duke whether it was proper, at this season of the year, and at this period of the Session, to make any great alteration in the law with respect to the mode of recovering tithes. It was difficult to say how far the proposed mode of recovery ought to be allowed to extend. The sum of 10*l.* did not afford a satisfactory limit, for a question of the right to take tithes might be involved in a demand for more than that sum. He thought that their Lordships ought not to legislate on this Bill without more information.

Lord *Brougham* fully agreed with the noble Duke as to the second branch of the Bill, and he thought, too, that to leave an objectionable law in existence with regard to the collection of tithes, was not a matter of advantage to the Church; in fact, that this Bill was only doing what Mr. Burke had called "Taking away from the Church the power of being odious." As the first part of the Bill, however, required consideration, and, though fully agreed as to the principle of the Bill, he had not made up his mind on the details. Since they involved references to several Acts of Parliament, he should suggest that the Bill should be advanced one stage this day, and the next be taken to-morrow, when he would engage to have looked into the Acts in question.

The Marquess of *Salisbury* said, that the second clause of the Bill put the Quakers in a better situation than any other of his Majesty's subjects, as it freed them from personal responsibility. He did not see why this favour should be shown to them in preference to all other persons.

Bill read a second time.

FOREIGN AFFAIRS — SPAIN.] The Marquess of *Londonderry* said, it had been his intention to bring before their Lordships at some length the civil warfare in Spain, which was now more than ever important from the large body of our fellow-countrymen who were engaged in it. He had come down to the House prepared to enter into the circumstances of that most disgraceful and discreditable war, in which the country had been plunged by the gross mismanagement of his Majesty's present Ministers. He had paid considerable attention to the subject, expecting that there would have been an opportunity, which at an earlier period had unfortunately not been afforded, for entering ino the full discussion of this most mome ntos question. He had not only entered into a strict examination of the propriety of the recent policy of the Government in regard to Spanish affairs, but of that treaty which was completed by his Majesty's former Government, the tripartite treaty, from which every subsequent misfortune, as related to the conduct of his Majesty's present Ministers, had resulted. On entering the House, however, it had been suggested to him, by those to whose judgment and sentiments he was always inclined to give the utmost attention, that it would perhaps be advisable, in the present uncertainty of affairs in that unfortunate country, to postpone entering into a comprehensive discussion. The present condition of the Queen's Government—the loss of her influence in places where adherence to her cause was counted upon—the miserable accounts from Arragon, and even from Madrid, of the doubtful position of that party, the maintenance of which had been so earnestly attempted, were undoubtedly indicative of further changes and reverses. When his friends pressed upon him this situation of the Queen's Government, so uncertain and tottering, and this aspect of affairs, so likely to render it difficult either for the present or any succeeding Government (which, from the late exhibition the other night must soon occupy the other side of the House) to discover what line of policy should be observed by this country, he felt himself bound, though undoubtedly with great unwillingness, to bow to their proposition for adjourning the full consideration of the subject. Under these circumstances he should occupy the attention of their Lordships for only a few moments. For that short time even he would not trespass upon their notice did he not think that he was called upon to draw attention to the peculiar predicament in which his fellow-countrymen were placed with regard to the information which the country had, during the last three months, received from the noble Viscount opposite. After what had lately occurred the noble Viscount surely must acknowledge that he had been completely deceived—that his Government had been misled—and that the country had been deluded. He must acknowledge also that he had not been in possession of that important information which he, as a Minister of the Crown, and which other noble Lords, also Ministers of the Crown, and sitting in the other House, were bound to obtain and comm nicate to his Majesty's subjects. The noble Viscount would recollect that three months ago he called his attention to these points. He inquired in the first place whether those individuals who enlisted in the service of the Queen of Spain were or were not included in the convention signed by Lord Eliott. What was the answer of the noble Viscount? Distinctly and unconditionally that those individuals would be included in that convention. At this information he (the Marquess of Londonderry) was certainly much surprised, for it so happened that at that very time he had in his possession a communication relative to the convention which rendered it impossible for him to rely upon the statement of the noble Viscount. He was then morally certain that the individuals referred to would not be included in that convention; that, as foreigners newly arrived in Spain, they would never be once thought of as coming within the protection of that document; and that by no construction of it whatsoever could they be so included. But if what passed in that House were remarkable, what passed in the other was still more singular. There the noble Lord, the Secretary of State for Foreign Affairs, the man who, above all others, ought to have made himself acquainted with every article and every sentence in the convention, and to have mastered every detail, absolutely declared in answer to the noble Lord who moved for the Order in Council, not that the English troops would be, but that they positively were, included in the convention. Such a total want of common information, and of knowledge of the principle of the treaty, he could hardly have imagined in noble Lords who acted as Ministers of the Crown. The information of which they professed to be ignorant could have been easily procured; but, setting aside that point, how were they to account for, how were they to excuse, their direct and positive declarations against the very letter and spirit of the articles in the convention. Still this was not all. Unaccountable and inexcusable as all must admit this conduct of his Majesty's Ministers to be, he had a still stronger charge to urge against them. What could he think—what must the country think—of a Minister of the Crown holding the most responsible situation of all his colleagues, coming down to the House and stating that he treated the important decree of Don Carlos, to which his attention had been called—as what?—as a positive forgery? That statement, unexpectedly as it came upon him, he certainly could not believe. True it was, that he (the Marquis of Londonderry) had no secret service money at his disposal, or any peculiar means of obtaining early and important intelligence from the Continent, yet, entertaining a desire to ascertain what was the state of the northern provinces of Spain, and making some little exertion to gain the requisite information, he had been enabled not only to obtain information of this decree, but also to ascertain its authenticity. Could not the noble Viscount have done the same?—Could he not have saved an exhibition of ignorance such as had never before been made by a Minister? Why, that very day, the 3d of July, the decree, in the original Spanish, was to be seen in London upon the Exchange. Next day he had brought the decree down to the House, stated the certainty of his information, and again challenged the noble Viscount to doubt its authenticity. What followed? Why, the noble Viscount came forward; not, indeed, in that frank and manly manner, which from the previous character of the noble Viscount he had expected, but, with an easy and indescribable indifference again declared his incredulity upon the subject. Let their Lordships put these two points together. Connect the declaration of the Secretary of State for Foreign Affairs, that the English troops were positively included in the convention, and the declaration of the noble Viscount, that the decree of Don Carlos was a forgery. Remember that at that very time Colonel Evans and his coadjutors were enlisting their officers and men in Portsmouth, Plymouth, London, and other places; and then consider that these men were not included in the convention; that the decree of Don Carlos was not a forgery; and that already some of our fellow-countrymen had been shot in the Carlist army. Was not the conduct of the noble Viscount, and the noble Lord the Secretary of State, unparalleled? Was it impossible to charge them with a degree of neglect and culpability which was indefensible? He did consider it his duty, under these circumstances, to put it upon record that on this important occasion the First Lord of the Treasury and the Secretary of State for Foreign Affairs had totally neglected their duty—a charge by no means trifling against Ministers of the Crown. It had been his intention to enter into the fact of the quadripartite treaty not having been observed, and of the impossibility of fulfilling the articles of agreement, but he found that now impossible. At the same time, France was not allowed to interfere, and it had been stated in the other House by Sir Robert Peel that it was quite impossible for England to carry into effect the stipulations of the treaty. It was indeed the opinion of the law officers of the Crown that these articles could not be carried into effect. Was the noble Viscount enabled to contradict the report that Austria, Russia, and Prussia had, on the probability of the intervention of France, cautioned her that they would not allow her to take any step upon that treaty? Would he deny that the treaty could not be acted upon? All this management, followed by no practical result, reminded him of a very sensible personage who managed to manufacture a great gun, which he afterwards found it was impossible to fire. The treaty was acted upon by the noble Duke near him when in office, and he was quite sure that if he had remained in office he would have acted upon it, or, at all events, that he would not have been driven to this order in Council. That the noble Secretary of State for Foreign Affairs was a very able man there was no doubt; but still it could not be denied that this treaty, and all the important consequences from it, had actually merged, into what?—a suspension of the Foreign Enlistment Act. This was all that he had been enabled to do, and this very measure he had arrived at under the dictation of the Spanish Ambassador. Had the Ministers openly declared war they would not have been in the disgraceful position they were in at present, carrying on underhand an infamous and scandalous species of warfare. Their policy appeared to him to be wholly unworthy of British Ministers. In stating this as his opinion, he was perfectly conscious of his own inability as compared to others to bring forward this important topic. Still, he should never hesitate in important conjunctures to give expression to his honest opinions, no matter what the question might be—no matter whether such a discharge of his public duty might in the opinion of some disqualify him for those public employments to which it was the King's prerogative to appoint. The same course he would take on all future occasions. Through evil and through good report he had never shrunk from taking it, and he would never fail to take it, despite of adverse opinions or factious condemnation. In calling the attention of the Government to the case of the unfortunate individuals who were engaged in this foreign warfare, and who would be plunged into a situation still more difficult and dangerous if the Queen of Spain were obliged to defer to public opinion in that kingdom, he was actuated by no feelings of party, but by those of common sympathy. When he saw his own countrymen blindly led into such destructive warfare—when he contemplated the probable fate of the English officers and the English soldiers—he was bound, both as a man and a soldier, to endeavour to enlist the exertions of the Government in their behalf, and to hold out a solemn and impressive warning to others who might ignorantly be seduced from their native homes by false and deceitful representations. He begged pardon for having troubled their Lordships at such length; but, having prepared himself on every part of the subject, he found it almost impossible to forbear from partly expressing his opinions. Greatly did he regret that the attention of Parliament had been diverted through the whole Session from the consideration of our foreign policy, and much did he lament that his Majesty's present advisers, in whose path less obstacles had been thrown with regard to foreign affairs than in that of any of their predecessors, should have been so wanting in judgment, so careless in collecting information, so indecisive in acting, and so generally mistaken in their views of questions concerning foreign countries. Seldom had they been called upon for explanations, seldom for information, and never had they experienced an obstinate, a determined opposition to any peculiar measure of foreign policy. Yet, with all these advantages, there was scarcely one branch of their foreign policy which was not liable to the heaviest censure, and which, if the House of Commons had been less engaged with domestic subjects, would most assuredly have called down unequivocal disapprobation. The noble Marquess concluded by moving that the Order of the Day for taking the conduct of government in relation to Spanish affairs into consideration be discharged.

Viscount *Melbourne* gave the noble Marquess much credit for the prudent forbearance he had exhibited in not going into a more extended discussion of the Question, which, as he had well observed, might have an unfortunate effect on the present state of things. He should not have made any observations now that the Motion was to be withdrawn, but that it was impossible to sit quite quiet when the noble Marquess made such statements as he had thought fit to make. He knew that there were two parties in Spain, one in favour of Don Carlos, and another disposed to a more liberal Government; but from all the information which he had received, the Queen had the support of the great majority of the influence, the weight, and real strength of the country; and that being so, it was impossible for him to admit the state of Spain was such as the noble Marquess had described it. He would follow the example of the noble Marquess and not go at any length into the subject of the treaties. At the same time he was prepared to show that the policy pursued by his Majesty's Government with regard to Spain was a sound course of policy and was founded in justice. He was also prepared to show that the support which had been given to the Government of the Queen of Spain—which had been recognized by his Majesty—was not on account of any opinion entertained or interest existing as to the right of making a disposition of the Crown of Spain which had been done, and still less from any desire on the part of his Majesty's Ministers to uphold any particular form of government in that country. Whatever might be the interest of other nations, he was convinced that it was the interest of England that Spain should be strong—that Spain should be united—that Spain should be peaceable—that Spain should be prosperous—and, above all, that Spain should be independent of all foreign nations. Such was the opinion on which he had acted—this was the opinion which was entertained by himself and colleagues; and they thought that the course which had been pursued by them—although this opinion might be open to some remarks and objections—was the best calculated to produce the effect and result they so anxiously desired. The noble Marquess had charged him with having manifested great ignorance and fallen into gross error on a former occasion, by which he had deluded their Lordships as well as persons out of doors, on an important matter, with respect to which he should have been better informed. The first point with respect to which he was accused of expressing an erroneous opinion, was the validity and extent of the convention or treaty, which had been signed on the 28th of April by the General, the Commander of the Queen's army, on the one side, and Zumalacarreguy, on the part of Don Carlos, on the other. The noble Marquess stated, that when he asked him whether the treaty included within its operation such foreigners as entered the service of the Queen of Spain, he (Lord Melbourne) replied that the convention did include foreigners. He certainly said so, and he was of the same opinion still. He was satisfied that all parties engaged in the war, or participating in the contest, were entitled to the benefit of the convention. He had formerly expressed this opinion, and he had neither seen nor heard anything to induce him to alter it. The eighth article of the treaty entitled the soldiers in the armies then engaged in warfare in the northern provinces in Spain to the benefit of this convention. The article undoubtedly was loosely worded, but this was the purport and object of it. He saw nothing in the article to justify the assumption that any persons who afterwards joined the army were excepted from the convention. The noble Marquess stated that he had put a question to him on the 3d of June as to a decree issued by Don Carlos respecting foreigners in the Queen of Spain's service, who should be taken prisoners by his forces; and he had then stated, in reply to the noble Marquess, that he believed the decree to be a forgery. He was justified in saying so at the time; he believed that it was the case when he answered the question of the noble Marquess, and he believed this with persons in other parts of Europe, who had better means of information at the time than he had; he knew that what he had then stated was believed to be the case at Bayonne, which was near the seat of warfare, as well as at Paris: and he therefore stated an opinion which he had good reason to rely upon as being well founded. He was then too willing to believe that no person at the present period of time, and under the circumstances of modern warfare—whatever might be the course in which he was engaged, or whatever might be the nature of the war, or however his passions might be excited against the party opposed to him—could resort to an act of such horrid barbarity, for which there was no parallel, except in a decree issued in the most bloody and revolting period of the French revolution. He repeated, that the only precedent for the decree of Don Carlos was that issued by the National Convocation in 1794, in which it was declared that no quarter should be given to foreigners taken in arms against France. If he regretted anything in the speech of the noble Marquess, it was that he, being a Peer of the British Parliament and a General officer in his Majesty's service, should mention the decree of Don Carlos without using one single word of condemnation respecting it—without using one single word of regret that it had been issued—without uttering one term of indignation, which was called for by the natural character of such a proceeding. It was not his intention to enter further into the discussion. The noble Marquess had said that all those proceedings had flowed from the two treaties of last year. This was undoubtedly true; but he was prepared to defend the policy of those treaties, and he was also prepared to defend all the measures founded on them. He repeated, he was fully prepared to defend what had been done; and he fully expected, from the course of policy which had been pursued, that no untoward result would follow, but that safety, tranquillity, and prosperity, would be extended to that portion of Europe, the fate of which, as well as its well-being and happiness, was of the greatest importance to this country.

The Earl of *Carnarvon* had no doubt but that the noble Viscount believed that foreigners were included in the Convention when he made the declaration in that House to which his noble Friend had alluded. Still it was impossible for any man not to admit that the declaration of the noble Viscount had been most mischievous. There were many persons who no doubt, but for that declaration would not have joined the expedition which had recently sailed from the shores of this country. It, no doubt, induced many to go out to Spain who would have abstained from doing so, if they knew that they were, if taken prisoners, to be shot as outlaws or felons. The noble Viscount said that he could not entertain a good opinion of Don Carlos, after having issued such a decree. He admitted that such a decree was most unfortunate, and at the present time should not have been issued. He could not defend the issuing of such a decree on general principles, but under the circumstances in which this was issued by Don Carlos, it was almost necessary. But when the noble Viscount resorted to such strong language with respect to this decree he did not make a single allusion to the decree issued by General Valdez, who was notorious for his hatred of England and Englishmen. It was only a few days ago that they saw a statement in the public prints that this man had seized some Frenchmen and Poles, who, he supposed were on their way to join Don Carlos, and instantly had them shot. The generals of the Queen's force had issued an order that all foreigners serving in the army of Don Carlos, who were taken prisoners, should pay the penalty of their lives. The noble Viscount had severely censured the proceedings of Don Carlos, but much mildness or moderation was not visible in the revolutionary movements of Arragon and Valencia, of Mercia and Catalonia, or in those proceedings which had recently occurred in Madrid, where a number of persons had been found to proclaim themselves against any settlement of the country whatever. He did not think that the conduct of those who had dyed their hands in the blood of the Queen of Spain's representatives at Barcelona was free from the strongest reprehension. The noble Marquess said, that foreigners were included within the operation of Lord Eliot's Convention; he sincerely wished that such might be the case, but he could not, after attentively reading the Convention, make out in what manner that was effected. The Convention was made when there were no British troops in the country, and referred only to the two adverse parties which were then in the field. He could not see how it could be made to apply to parties who had not then taken part in the contest. He wished that Don Carlos had not pursued the course which he had followed, but from what had transpired it appeared that this Prince was forced to issue the decree by his troops and officers. He was almost constrained to do so by the peasantry of the northern provinces, and he was not surprised at this when he recollected the savage and revolting cruelties perpetrated on them by the leaders of the forces opposed to Don Carlos, and more especially by Generals Mina and Valdez. Were the atrocities of the constitutional Generals of such a character that they could be justified? Were the murders committed by General Mina and others, of sons, and brothers, and husbands, in the presence of the females of their families, to be palliated? From what he knew of Spain, he did not think that the present government in that country was likely to be confirmed and strengthened by the intervention of foreign troops, or that this would induce the people to rally round the throne, and to manifest feelings of loyalty. If the Queen's Government were established by foreign troops and foreign bayonets, it would be found to be an inherent vice in the Government, and would make every act of the Government, however beneficial it might otherwise be, adverse to the feelings of the people. He was well acquainted with the Spanish nation, and was warmly attached to it. He would caution the noble Viscount to beware, lest the Spanish nation and Government considered the sending out the forces to that country as a direct intimation in favour of the Government of the Queen. He could not help considering that we were now engaged in a very unjust quarrel, and in a war which provoked the feelings of the inhabitants of the North of Spain. The people in the four Northern Provinces of Spain had been provoked to a state of revolt by the tyrannical conduct pursued towards them by the Government of the Queen of Spain, and by taking away from them their rights and privileges, of which they could not legally be deprived. Every noble Lord who had been in Spain must be aware that the liberties of the Basque provinces were mixed up with the recollections of the ancient glories of their country, and were associated with all the subjects of local attachment. He was sure that noble Lords could not be aware of the extent of the ancient liberties of the Basque provinces, which his Majesty's Ministers were so sedulously assisting the Spanish Government to put down. The rights and liberties of these provinces were as extensive as those of any one of the Swiss Cantons; they were free from the payment of all taxes to the Crown; there were no Customs' duties or Custom-house officers throughout these provinces; they furnished certain *quotas* of soldiers and sailors, who acted separately from the other forces; the country was governed by its own popular assemblies, and all the local authorities were appointed by the people. These were not empty forms in the mere gauds and trappings of free government, but they were substantial and beneficial rights and liberties, which were loved and regarded by the people, who, with their predecessors, had for centuries been accustomed to them. These provinces were united to Spain, on the guarantee that the rights and liberties of the people should be confirmed for ever. Every king of Spain, both of the Austrian and Bourbon lines, had respected the liberties of the inhabitants of these provinces; and the Spanish Government, in now breaking through these solemn guarantees, had pursued a course which was utterly unjustifiable; and it was neither just nor proper that this country should throw the weight of its influence into the scale to assist that government in destroying the liberties of the Basque Provinces. He did not see how the noble Viscount could justify himself in lending the assistance of this country to do that which we would not do ourselves. He could not help feeling the strongest sympathy for the brave people of Biscay, who, he thought, had been most cruelly treated; and, at the same time, he felt the greatest regret that his Majesty's Ministers had taken part in a quarrel by which the national honour was involved.

Lord *Brougham* would not occupy the time of the House for more than a few minutes, nor would he promise not to enter into the question at length, for he found that those who made use of those expressions departed from their promises. The noble Earl had made such a promise, and had not only gone into the whole question, but he had spoken upon it as if it were merely a Basque question; and therefore one peculiarly adapted to the consideration of the House. The observations made by the noble Earl might have been very well for any Basque to make in one of the Basque assemblies in the north of Spain, before they were abolished, and since then for one of the representatives of one of those provinces to make in the Cortes of Madrid; but which, he would humbly take the liberty to suggest, the English Peers and the English people had as little to do with, as the Spanish people in any of their Basque provinces had to do with the rights and ancient privileges of the English Municipal Corporations, which, for ought we knew—and it was fair to assume it, from the sympathies the opponents of reform, in those bodies, manifested for the old Basque institutions—might be at that moment the subject of declamation and discussion in one of these Basque Parliaments. He was not surprised at the view the noble Earl had taken of the affairs of Spain. He allowed the noble Earl full credit for the romantic feelings which he manifested towards a people with whom he had passed many years of his youth. But while he bestowed a full degree of praise on the noble Earl for his romantic and sentimental attachment, he must remind him that there was something to blame in taking this one-sided, squint-eyed, one-eyed—if he might use the term—view of the subject. Instead of regarding the subject as a whole, he looked at it only from one narrow point of view, and altogether disregarded all other parts of the subject. He would, therefore, endeavour to attract the attention of the noble Earl—from merely viewing this question as affecting the Basque provinces, and the small minority of the Spanish nation which—as was well known of small minorities in other countries—might prove great opponents of the government, in adopting measures of improvement—to the general question. The noble Earl extended all his sympathies to the Spanish people, and had none whatever for his noble Friend at the head of the government. Not satisfied with defending the part of Spain where the people were now in arms, the noble Earl proceeded to attack his noble Friend for the conduct he had pursued. He had endeavoured to disturb the rest, and to break the slumber, and to prevent his noble Friend reposing in peace on his pillow; but he doubted very much whether the noble Earl would succeed in doing that which he had never known to have been done before. The noble Earl had said that his noble Friend was the cause of all the blood that would be shed, but which was now in the bodies of the volunteers which had proceeded from this country to Spain. This, the noble Earl said, would be the result of the answer his noble Friend had given to a question put to him on a former occasion. Since that question had been put, the noble Earl had adopted the view of the question he now expressed. He took, however, merely a one-sided view of the question then put. He forgot the situation in which his noble Friend (Lord Melbourne) was then placed by the person who had put the question. He had forgotten that the question was put by the noble Marquess, who was now his coadjutor in defending and praising Don Carlos. The noble Marquess, on the former occasion, said that he believed that the decree alluded to had been issued by the legitimate, the ill-used, and the sainted Don Carlos. How was his noble Friend to answer this? Was his noble Friend, as Minister of the Crown, to sit silent on the occasion, from fear lest what the noble Earl stated had occurred in consequence of his answer, should follow from it? If his noble Friend had done so, he well knew what would have been the tone of triumph the noble Marquess would have taken—he was fully aware of the language that would have been adopted on that occasion—and also what would have been the character of the speech that would have been prepared in consequence by the noble Earl, who had that night prepared and made a speech under different circumstances. He could well conceive what would have been the nature of the interpretation that the silence of his noble Friend would have been exposed to. His noble Friend had then stated that he believed that the decree of Don Carlos had not gone forth, and he had reason at the time to believe that this was the case; for he had not then heard from head-quarters, and thus far might have been differently circumstanced from noble Lords opposite. It appeared, then, that there were some questions which should not be put in consequence of the answers that might be given—for these answers might possibly place indiscreet persons in situations which they would not otherwise have placed themselves. The answer, however, was not to be censured, but the person who extorted it. It was certainly the first time that he had heard of serious responsibility being incurred, by giving such an answer as his noble Friend had given to the question that had been put. By what parties, then, had the charge been brought against his noble Friend? Was it brought by those who had been induced to volunteer into the service of the queen of Spain? was it brought by the Constitutionalists? was it brought by the enemies of Don Carlos? was it by the supporters of the Queen? No; but by those who countenanced Don Carlos — by those who comforted, and assisted, and supported that person. They were the persons who charged his noble Friend with having been guilty of a serious offence in believing it to be impossible that Don Carlos, their own peculiar favourite, their own legitimate sovereign, their own sainted model for admiration, would be guilty of a crime which made all humanity shudder, except the man who committed it, and which made virtuous men blush that such a being could meet with supporters and defenders. His noble Friend could not believe this favourite to be so bad as he had turned out to be. There was no choice now left, but to believe that Don Carlos had been guilty of the most shameful breaches of solemn treaties, and had been guilty of cruelties which were unexampled and unparalleled in the most troubled periods. There could be no longer the least doubt, but that Don Carlos had issued an order which reflected infamy on him who issued it, but which, to the honour of Spain be it spoken, and to the greater infamy of him who issued it, the Spanish troops refused to obey. He had observed a curious and elaborate infelicity of expression made use of by the noble Earl, in allusion to the decree of Don Carlos. The noble Earl had stated that persons had been induced to enter the service of the Queen of Spain, as volunteers, who otherwise would not have done so, in consequence of the statement of his noble Friend on a former occasion. Now he did not believe that a single individual, one way or the other, was influenced by his noble Friend saying he did not believe Don Carlos had issued his decree. It had turned out, certainly, that his noble Friend was mistaken, and that the decree was true; it then became a source of triumph for the Carlist party that Don Carlos was much worse—was more treacherous and more inhuman than his noble Friend had believed it possible he could be. The noble Earl, in censuring his noble Friend for expressing this opinion, adverted to the decree of Don Carlos, and what was the term he used? That it was an unfortunate decree. Aye, in the same sense, then, in which robbery was unfortunate—murder was unfortunate—and the most shameful breaches of faith were unfortunate—in which Robespierre was unfortunate, and in which he, whose example the noble Lord had quoted, not in defence, but in palliation of his legitimate hero, was not only unfortunate, but the most unfortunate of men.

The Earl of Carnarvon was understood to deny that he had used the expression imputed to him.

Lord *Brougham*: Not used the word "unfortunate!" Then must all noble Lords on that side of the House hear with one set of ears, and all noble Lords on his side hear with another; for if ever there was a phrase, to the use of which he should, in his opinion, have been able to swear with the utmost certainty, it was that the epithet "unfortunate" had been applied by the noble Earl to the order which he said had emanated—the expression was scarcely English—from that prince. There was quoted in justification of this order, another which had been issued by a constitutional chief, and which was said to have seen the light only six or seven days ago.

The Earl of *Carnarvon*: No, not so;—that order had been in existence ever since the commencement of this murderous warfare in Spain; and indeed had been one of the first causes of it.

Lord *Brougham* supposed that it was a mistake, and that the noble Earl had intended to say that this order had only come to his knowledge within the last six or seven days. It must evidently have been in existence six or seven months; but even if it had been a longer period in existence, it would be no justification for the promulgation of such an order as that issued by Don Carlos. He would show their Lordships the difference between the conduct of a hero deemed legitimate by the Carlists of France, and Spain, and England,—and a British general—he meant the late Duke of York. Here was a contrast well deserving the attention of their Lordships. When Robespierre prevailed on the National Convention to issue its sanguinary edict against giving quarter to the British troops in 1793, not in 1792, as his noble Friend had said in mistake—for the war did not commence till 1793.

The Duke of *Cumberland* said he recollected it well, for he was with the army at the time—it was in August, 1793.

Lord *Brougham*: Yes; and the Duke of York was then in command of our army in Flanders. Though he differed from that illustrious prince on many points—and God knew that there were very many points of difference between them—he must say of him, that he (the Duke of York) had many most admirable qualities and that there never existed a more humane man, or a more soldierly officer. The Duke of York received the order of the National Convention at his camp whilst under arms, and instead of thinking of retaliation, issued immediately a counter-order directing his troops to give quarter to any French troops whom the vicissitudes of war might throw into their power. That was the only way in which that truly British prince dreamt of retaliating that blood-thirsty decree. But the unfortunate Prince of Spain—unfortunate, indeed, in his decree, but most fortunate in his advocate—followed the bad example of Robespierre, and not the excellent example of that gallant British prince, who refused to issue, much more to carry into execution, any retaliatory orders, which must have aggravated most frightfully all the ordinary horrors and calamities of war. He was no believer, if that would comfort his noble Friend, and would restore him to those slumbers which the noble Earl had striven so earnestly to banish from his pillow,—he was no believer, he repeated, in the possibility of his noble Friend's answer to the noble Marquess's question having induced any one of our gallant countrymen, who would not otherwise have gone to Spain, to volunteer to serve in that country under General Evans. If he knew any thing of the spirit of his gallant countrymen, the result would have been the same as it now was, supposing that his noble Friend, instead of answering as he did, had said, "Yes, this proclamation is genuine. Don Carlos is capable of anything; his life is intrigue; cruelty is his nature; blood is his delight; and I do believe not only that this proclamation is genuine, but that he will carry it into effect upon any unfortunate British soldiers whom the chance of war may fling into his power." He was no believer, he once more repeated, in the assertion that the answer of his noble Friend had influenced a single soldier or citizen, no matter whether he had borne arms before, or whether he now rushed to war for the first time, having been previously prevented by the terrors of the Foreign Enlistment Act. He agreed with his noble Friend in the principles which he had so clearly and justly expressed on this subject—principles which he believed had the full concurrence of a noble and gallant individual who knew the wants and capabilities of Spain better perhaps than any man living—he meant the Duke of Wellington, to whom that nation, and especially our own, owed an immense debt of endless gratitude for his services in that country. He believed that the noble Duke agreed with his noble friend as he had expressed himself on this subject. He believed that among those things which the noble Duke deemed most desirable for Spain were its peace and tranquillity, and consequent upon its peace and its tranquillity its prosperity; but far above and beyond all was its independence, and the exclusion of all interference in its affairs, which rested upon foreign influence. For his own part he should look upon that as an evil day, not only to Spain but also to England, which should dawn upon the flag of France waving over one yard square of Spanish territory. These had been his opinions at all times. These were the principles on which, in office and out of office, his public conduct had been ever regulated. But when he heard the noble Lord speaking of the impossibility of our enduring, and of Spain enduring, any further interference of foreign bayonets, whilst he agreed that he should look on foreign bayonets as the most mischievous gifts, as the most fatal curse, that could be inflicted on Spain by an offended Providence, for he knew that foreign bayonets would only exasperate still more Spanish parties, and postpone indefinitely the restoration of peace,—when he heard, he repeated, the noble Earl speaking in that strain, he felt that his forgetfulness of the recent events of Spanish history was such as he did not often recollect to have met with, and such as he could not help marvelling at exceedingly. He was now alluding to the time when, under the friends of the noble Duke—the counsellors of the Bourbons of France,—a forest of foreign bayonets bristled in the fields of Spain in 1823, when a foreign army, under a foreign prince, carried the doctrine of foreign interference to an extent which he thought the noble Duke would himself now deplore. But he would not touch further on that point. He had dwelt longer than he had intended upon others. [" *Hear," from the Earl of Wicklow.*] I dare say, said the noble Lord, that the noble Earl who has just cheered me thinks that I have dwelt too long already. I dare say that such is the opinion of the noble Earl who sits here—as I understand his brag is elsewhere—to keep two ex-Lord Chancellors in order. I wish him joy of any success which he may think he has obtained over one of the ex-Chancellors,—I mean my noble and learned Friend; but I leave your Lordships to determine how far he has been successful in his efforts to keep me in order. The noble Earl always begins by stating that I speak too long—I cannot exactly say the same thing of him. I never heard him too long, but I have heard him when I might add another word after the word " too,"—but I decline. The noble Earl cannot accuse me of having broken faith with him, for I did not promise at the commencement of my speech that I would limit myself to a few moments or a few remarks.

The Duke of *Cumberland*: You said at the outset that you would confine yourself to a few moments.

Lord *Brougham*: The illustrious Duke is greatly mistaken as to what I did say at the outset—he must have been asleep, or he did not hear me—for I said exactly the very reverse. What I did say was, that after the examples set me by the two noble Lords who had preceded me, each of whom set out with saying that he would confine himself to a few remarks, and each of whom contrived to make a long speech, I was anxious to guard myself against any such promise, lest I should be equally tempted not to keep it. The noble and learned Lord went on to observe, that the point which he wished to recal to the recollection of the noble Earl was, the conduct of his friends, the legitimate Bourbons—the Carlists of France—of that party against the legitimate party of Europe, lying to the north of the Pyrennees—of that Bourbon Carlist party of France, who sent an army under the Duke of Angoulême into Spain, for the purpose of overthrowing the Constitutional Government, and who by the aid of foreign bayonets planted another form of Government in that country. He had no wish to see foreign bayonets enter Spain; but if they did go, the acuteness of the noble Earl would lead him to recollect that there were two ways in which they might go. They might either go armed with a commission from a foreign power, as the army of France did in 1823, when it overthrew the Constitutional Government of Spain—which was a way of carrying foreign bayonets into a country wholly abominable, and which was the only way which was censured by the noble Earl—or they might go under a commission from the State to whose aid they went. But in that case he did not call it the intervention of foreign bayonets but proper and legitimate auxiliaries of the Government, led under the constitutional banners of the country. He would tell the noble Earl, that such an admission of foreign bayonets, had always been a principle of constitutional freedom. He would not go back to the period when the intervention of foreign bayonets upon this principle had established the free, constitutional, and Protestant Government of England, in the century before the last; but he would say generally, that any State which was attacked from within or from without, had a right, if it pleased, by its constitutional organs—by those exercising the Government—by those representing the people for whose safety those representatives were called together—that Government, those organs, and those constitutional powers, had not only a right, but if need be, it became their duty to call in foreign assistance, provided always that such foreign assistance was dependent and disciplined, and subordinate to the domestic powers of the State. These were his opinions with respect to the intervention of foreign bayonets. He disapproved of the intervention of the Legitimists of France, who interfered for the purpose of putting down the constitution of Spain; but not of the intervention of the gallant English, who rallied round the constitution now established in Spain, restoring peace and prosperity, and preserving the independence of that country.

The Duke of *Wellington* did not rise to take any lengthened part in the discussion, but rather, if possible, to prevent it going further, for he had hoped, after what had fallen from his noble and gallant Friend, who had deferred entering more fully into the question to a more fitting opportunity, that their Lordships' attention would not have been called to the whole of that question at present. It was not, he repeated, his intention in rising to follow the observations of other noble Lords and go into the question himself. He rose rather for the purpose of protesting against such a speech as was made by the noble and learned Lord. The pretence for making that speech was to expose the fallacy, as the noble and learned Lord termed it, of the speech of the noble Earl (Carnarvon). If his noble Friend were to speak at all on the subject, he could scarcely fail to advert to the war, and to the origin of the war, now raging in the Basque provinces. His noble Friend had not gone far into that subject, and certainly did not deserve the answer which he had got from the noble and learned Lord. The noble and learned Lord had adverted to an expression which had fallen in the course of his remarks from his noble Friend. His noble Friend had pronounced his disapprobation of that decree of Don Carlos which was the subject of discussion. It was true that he had not denounced it in the strong and violent terms used by the noble and learned Lord, but he had expressed his disapprobation of it in terms in which every one of their Lordships must concur. No doubt every one of their Lordships highly disapproved of that decree. What his noble Friend had stated was undoubtedly true:—namely, that both sides had been guilty of these excesses. Before the noble and learned Lord had entered into his violent denunciation of the noble Earl's speech, he should have examined the question calmly and carefully, and should have seen whether, in the convention itself there might not be found some excuse for this decree. He wished, however, to avoid all such discussion at present, and to leave the hands of His Majesty's Government, and indeed of every Englishman, free, in order that the efforts of all might be directed to put an end to that description of warfare, and to secure what he believed all had equally at heart—the tranquillity of Spain. That was the reason why he deprecated the further continuance of this discussion; it could not lead to any good, and the sooner it was put an end to the better.

The Marquess of *Londonderry* said, it was not his intention to prolong this discussion by replying to the remarks made by noble Lords on the other side; but there were two points which he could not pass without some reply. In the first place, he thought that it would have been as well if the noble Viscount, before he had delivered his violent philippic against the decree of Don Carlos, had recollected what he seemed to have forgotten—the transactions which had given rise to that decree. He would supply that defect in the noble Viscount's statement. On the 18th December, 1833, General Quesada, as Captain-General of Castile, issued an edict, calling upon all Carlists to lay down their arms, and setting a price upon the heads of several leaders named. The 6th article of this edict ordains thus:—"The commanders of the columns and troops of Her Majesty's Government will execute all those persons, be they who they may, not availing themselves of this pardon, giving them no more time than is strictly appointed to enable them to prepare to die like Christians, which shall not exceed four hours;" and the 10th thus:—"All classes of the authorities are strictly charged, under the heaviest responsibility, with the execution of this decree, &c." It was published in the *Madrid Gazette*. Don Carlos was also formally denounced by the Queen's Government, and the decree which he had issued was a species of retaliation of that proceeding. The second point to which he would refer, and on which there was some difference between the noble Viscount and himself, was, whether these auxiliaries, as they were called, were included in the convention framed by Lord Eliot; whether they were included in that convention the noble Viscount must know much better than he did, but would the noble Viscount have any objection to lay a copy of that convention upon the Table? [Viscount *Melbourne:* it is there already.] He would read the 8th article of that treaty, as it was first drawn up by Lord Eliot, and afterwards altered by the Queen's officers, and he would then put it to their Lordships whether, under the alteration then made, these auxiliary troops could be included. Lord Eliot first visited the Carlists, and with them the articles of convention were agreed on. In the first copy the 8th article ran thus.—"Should the war extend to other provinces, the present agreement shall be binding on them." This was signed by Zumalacarreguy on the 25th of April, and showed the Carlists were desirous of making the convention general. But then there was no question of foreigners interfering. Lord Eliot proceeded then to Valdez and Cordova. They refused the 8th article, and drew up another, as follows:—"Should the war extend to other provinces, the present agreement shall be binding on them, provided they are the same armies carrying on war in the three Biscayan provinces, and in the kingdom of Navarre which, through the vicissitudes of the war, proceed to carry the war into other provinces." The new copy was not signed till the 28th of April. This was a proof that Valdez wished to confine the operations to the four provinces, and he contended that by this Clause foreigners enlisted afterwards were peremptorily excluded from the convention; and he contended that the British auxiliary force could not be considered as the same army as that which was engaged in Biscay and Navarre at the period of that convention. He was aware that the noble Lord, the Secretary for Foreign Affairs, had given a different interpretation to the terms of this convention; for he had said in direct terms, in the House of Commons, that the convention did include the troops engaged in the late expedition to Spain. Now, to that statement he thought the documents he had read gave a direct and satisfactory contradiction.

Order of the Day discharged.

CONSTABULARY (IRELAND).] Viscount *Duncannon* moved the Order of the Day for the Second Reading of this Bill. By the law as it now stood, there were four provincial inspectors of police, and a deputy-inspector, in each county. The provincial inspector, of course, superintended all matters of police in his province, and the county deputy-inspector superintended those in his district. By the present Bill it was proposed that there should be one general inspector of police for all Ireland, with a salary of 1,000*l.* a-year, the deputy at a salary of 600*l.* a-year; and there should be an officer, called a sub-inspector, in each county, with a salary of 300*l.* a-year. These sub-inspectors were to be taken from the present class of chief constables. By the law at present the magistrates had the appointment of the constabulary force, but in almost every instance they allowed the appointments to be made by the inspector, and experience had shown that the constables selected by the latter were of a better class, and more efficient, than those appointed by the magistrates themselves. By the present Bill it was proposed to take the appointment from the magistrates altogether, and to vest them in the inspector, who should be appointed by the Crown. By this arrangement it was not intended to throw any slur upon the magistrates, but to render the force more efficient by concentrating the authority under which they acted. The Bill also proposed, that in order to render the police more efficient, and in order to hold out a reward for the faithful performance of duty, a superannuation fund should be provided, to give a retiring allowance to those who deserved it, after a certain period of service. One object of the Bill was to assimilate as much as possible the police force of Ireland to that of this country. And by the arrangements of this Bill, he expected the superintendence would be more efficient and much less expensive to the country. An objection had been made to transferring the appointment of the constabulary force from magistrates to inspectors appointed by the Crown, but that arrangement was necessary in order to make the police an efficient force. Noble Lords opposite might, he was aware, deal with the Bill as they liked; but having moved the second reading of it, he should feel it his duty, if the Motion were opposed, to take the sense of the House upon it.

The Marquess of *Londonderry* objected to transfer to the Crown the appointment of the constabulary force, because he believed that the power thus transferred would in effect come to the hand of the individual to whom the noble Viscount and his friends were so much indebted for being in the Government.

The Earl of *Roden* said, the Bill would take the appointments out of the hands of the magistrates, who were a most excellent and fearless body of men. It was an object to make country gentlemen resident on their estates in Ireland, but this would tend to banish them. The Bill was one which had not passed without strong objections in the other House, but it was supported of course there by those whose object it was to put the Irish magistracy down. There were several other objections which he had to the details of the Bill. One was to that part which empowered the inspectors to train to the use of arms men who would be placed on the lists from which the future appointments of the police were to take place. He thought this objectionable, because when so trained they were not bound to enter the police, and their skill and knowledge of arms might be afterwards used to forward the purposes of some reckless demagogue. He also objected to what he considered the unconstitutional principle of giving the Crown a power to appoint a force paid by the country, and over which the country would not have the same control as it would over a regular force. A similar proposition was made in a bill introduced in the year 1822 by Mr. Goulburn, and it was objected to on this very ground by several individuals who were either members or supporters of the present Government; amongst others by the noble and learned Lord (Brougham), who spoke against it, as did also another noble Lord (Althorp), then a Member of the other House; and in the minority on the division on that occasion he found the names of Henry Brougham, Lord Althorp, Lord Duncannon, C. Grant (now Lord Glenelg), and several others, friends of the present Administration. On these grounds he could not consent to the Bill, and would, therefore, move as an Amendment, that it be read a second time that day six months.

The Marquess of *Clanricarde* said, the noble Earl, in his reference to the Bill of Mr. Goulburn, and in his charge of inconsistency in those who opposed parts of it, and supported similar enactments in the present Bill, should have considered the different state of circumstances in Ireland in that day and the present. That difference would justify the change of opinion as to the course that was pursued then, and that which ought to be pursued now. As to the taking the power of appointing the constabulary force from the Magistrates, it was only taking from them that which in effect they had already relinquished. The inspectors had it already, and the present Bill went only to give them *de jure* what they already possessed *de facto;* their Lordships had the authority of the Magistrates themselves for saying that the inspectors were the proper persons to have the appointment by having left it to them so long. It was, therefore, he contended, no slur upon the Magistrates to take away a power which in effect they had already voluntarily relinquished.

Lord *Brougham* said, the Bill was not in all points the Bill of 1822, but even if it were, the circumstances to which it applied were different. "It is said," continued the noble and learned Lord, "that this Bill is supported by the hon. and learned Member for Dublin, and that it will promote his views. Now I have a very high respect for that hon. and learned Gentleman. I respect him for his great talents, and high legal knowledge. I respect him for that large share of the confidence of a great portion of my fellow-countrymen which he possesses. But with all this respect I cannot consent to make him the dictator of my vote, which I must do, if, by the strange logic used by noble Lords on the other side,—I must, on every occasion on which he supports a measure which I approve, vote against that measure, and for the simple reason that he supports it." He had looked carefully into the Bill, and would give it his support.

Lord *Farnham* thought, the present state of the police good, and he would let it remain as it was.

The Earl of *Winchilsea* approved of the Amendment. He would not assent to any measure which took away the power of the Magistrates, but he objected to this Bill on higher grounds. He considered it one of those three instalments which were to be paid to the hon. and learned Member for Dublin for his support of the present Administration. The first was the placing at his disposal a certain portion of the revenues of the Church of Ireland. The second was the present Bill, which would give him an immense influence and control over the whole of the police force of that country; and the third, which had not yet come up to their Lordships' House, was such an alteration in the state of the representation in Ireland as would place nearly the whole of the elective power in his hands. He would on these grounds oppose the present Bill.

Lord *Hatherton* proved from experience that great inconvenience resulted from the present system of police in Ireland, and that inconvenience justified the change proposed by the Bill. In the communications from Government which referred to some local matter which required dispatch it often happened that it was necessary to send first to the provincial inspector, who communicated with the sub-inspector for the county, who addressed himself to the chief constable of the district. It might be said, why not communicate with the chief constable on the spot, in the first instance? That, no doubt, could be done, but it involved this inconvenience—that he who should in the regular course of communication know it first, would be the last to learn it. These difficulties would be removed by the plan proposed in the Bill. It was said that this would give pain to the Magistrates of Ireland. He had had good opportunities of knowing the sentiments of many of that body, and he could assure their Lordships they did not look with any feeling of jealousy at the removal of the appointment of the constabulary force from their hands. However, if their Lordships thought this part of the Bill objectionable, they might remove it in the Committee; but let them not reject the whole Bill on that account. He could assure their Lordships that this Bill had been approved by the Marquess Wellesley and Lord Stanley, and was now in nearly the same state as that in which he had found it on coming into office.

The Marquess of *Headfort* did not think that the Bill cast a slight on the Magistrates, and he would support it.

The Earl of *Wicklow* said, that if there were no police force at present in Ireland, he should prefer the plan now proposed to the existing law, though he admitted the present force to be efficient; but there were some parts of the proposed plan which he greatly admired; for instance, that of having one general superintendant of police for the whole country, and also the plan of superannuation. He objected, however, to the general and sweeping change which the Bill proposed in the removal of the whole of the present body at once. He also objected to taking from the Magistrates the power of appointing the constabulary force. It was true the inspectors had generally exercised the power of appointment, but it was by consent of the Magistrates, and under their control; but his chief objection was, that the Magistracy of Ireland would receive it as a withdrawal of confidence from them. On the whole he thought the Bill well digested, and not the result of any dictation elsewhere; but he thought it too late in the Session to discuss a measure of this importance, and he would therefore recommend that it should be kept over till next Session, before which a more full opportunity would be given for reconsidering the whole of its provisions, and with that view he should vote for the Amendment of his noble Friend.

Lord *Fitzgerald* and *Vesey* said, that when this measure was first introduced, he had supported the vesting the appointment of the constables, not in the Magistrates, but the Crown; but it had been given to the Magistrates, and it worked well, for though the Magistrates had virtually transferred the power to the inspectors, still they exercised a salutary control over it by the power of recalling it whenever they saw it abused; and having so used the power which the Act thus placed in them, he thought it would be casting a slur and a stigma upon them to take it now out of their hands. He also objected to the late period, the 26th of August, for the second reading of a measure of this importance when there was no opportunity for fully discussing it.

The Marquess of *Westmeath* said, he should be ashamed to show his face amongst his brother Magistrates in Ireland if he consented to take from them that power which they had so long and so faithfully exercised. He would support the Amendment.

Lord *Glenelg* supported the Bill, and defended his consistency in supporting that part of it which he had opposed in 1822, on the ground of the altered state of circumstances in Ireland. He did not think that the omission of the clause relating to the power of the Magistrates would impair the general efficiency of the measure, and he hoped that those noble Lords who were favourable to the other parts of the Bill would not reject it altogether, as they would have an opportunity of omitting that clause in the Committee.

The Earl of *Haddington* bore testimony to the good conduct and efficient state of the police in Ireland. He did not oppose this Bill on the ground of its attempting an improvement of that force, but he did object to it on the ground that it would take away from the Magistracy that salutary control which they had exercised over the constabulary appointments. He had one other objection to the Bill, and it was summed up in these words—that was the 26th of August. The Bill had been in the possession of the Irish secretaries, he might say ready prepared, for the last three or four years, and it was now, on the 26th of August in the present Session, brought before the House. At such a period of the year how could they be called on to make so great and essential a change in the police force in Ireland?

Viscount *Duncannon* assured the House that there was not the least intention of throwing any slur upon the Irish Magistrates. There were some noble Lords who seemed to say they would vote against everything which Mr. O'Connell had supported. Without dwelling longer on that point he should just add, that if they wished to deal fairly with the measure, they would read it a second time, and do what might be necessary to amend it in Committee.

The House divided on the original Question. Contents 39; Not Contents 51: Majority 12.

Bill postponed for six months.

HOUSE OF LORDS,
Thursday, August 27, 1835.

MINUTES.] Bills. Read a third time:—Exchequer Bills'; Excise Acts' Amendment.

Petitions presented. By the Duke of BUCCLEUGH, from the London and Edinburgh Steam-Packet Company, against a Clause in the Tonnage Admeasurement Bill.—By the Earl of CARNARVON, from Southwark, against the Imprisonment for Debt Bill.—By the Duke of WELLINGTON, from Waterford and Bradford, against the Irish Church Bill.—By Lord BROUGHAM, from Liverpool, in favour of the Imprisonment for Debt Bill; from the Manchester Anti-Slavery Society, for Amending the Laws respecting Slavery; from Glasgow, for the Repeal of the Duty on Newspapers; also against the Arrestment of Wages' Bill.

OPERATION OF THE NEW POOR LAW—BASTARDY.] The Earl of *Radnor* moved, that certain Returns relating to cases of illegitimate children which had been presented, should be printed. These Returns related to the number of children affiliated in England and Wales during the past year. There were certain Clauses in the Poor-law Amendment Bill to which he had always objected, and these had introduced a practice of a still more objectionable kind than any which had before existed. The exposures which used to take place at Petty Sessions now took place in the open Court of Quarter Sessions. To show how these Clauses had worked, he referred to the increase of the number of cases, in the three last Quarter Sessions,—the number of cases at the first were 268; in the second, 335; and at the last Epiphany Sessions, it amounted to no less a number than 463; and he understood at the Midsummer Quarter Sessions for the West Riding of Yorkshire, the Magistrates were occupied for two whole days with no other business than that of affiliating bastard children. The female became hardened by this exposure and mischiefs greater than ever were created. As the Clause now stood, corroborative testimony was required; and in a Quarter Sessions lately held, that testimony had been supplied by the production of the child, which was sworn to on account of its resemblance to its putative father. He did not think that this was the sort of corroborative testimony which had been intended to be required by the Act. He had had some conversation with the Commissioners, who agreed with him that some alteration of the law on the subject should take place. He should now merely move, that the Returns be printed, but should take another opportunity to bring the subject fully to their Lordships' attention.

Lord *Wharncliffe* had always objected to the Bastardy-laws remaining in their present state; and he should have been better pleased if the Magistrates had had no power at all to make Bastardy orders. But while the practice of making these orders was continued, he must say that he should never consent to their being restored to the Petty Sessions. Justice was never done at these Sessions, and it was likely that it would be done in open Court. The proof of the fact by corroborative testimony was seldom given in the way mentioned by the noble Earl; but it could be given by proof that the man had written letters to the woman of an affectionate kind, and other evidence to show that intercourse was not unlikely to take place between them. He was ready to put an end to the present system, and to throw the burthen of maintaining the child on the mother and the parish.

The Returns to be printed.

SHERIFFS' ACCOUNTS (IRELAND).] On the Motion of the Viscount Duncannon, the House went into a Committee on the Sheriffs' Accounts (Ireland) Bill.

The Marquess of *Westmeath* observed, that heretofore the Sheriffs' accounts were audited by the Court of Exchequer, and it appeared to him that the proposed change —that of transferring the duty to the Chief-Remembrancer—would not operate beneficially, by making the audit more effectual than it was at present. Their Lordships' had been told by the noble and learned Lord opposite (Lord Plunkett), in recommendation of this Bill, that it had been debated in the House of Commons, and the noble and learned Lord mentioned the names of several learned Gentlemen who had taken part in the debate. But though he respected the individuals who had thus been mentioned, still that circumstance or the fact of the Bill having passed the other House, ought not to prevent him or any other noble Lord from stating any objections to it which they might entertain. He had imbibed an opinion in the correctness of which he knew not whether their Lordships would agree with him. He did not consider that the Gentlemen of the learned profession were always the best law-makers. In his view of the case, the knights and burgesses in the other House were the proper persons to frame laws; and he believed, that if the Legislature were not overrun with lawyers, the laws would not be a bit the worse for it. He meant to propose a Clause in this Bill to insure the due attendance of the Chief Remembrancer, to which Clause he conceived, that neither the noble Viscount nor the noble and learned Lord could offer any reasonable objection. The Clause would provide, "that the Chief Remembrancer or his deputy should be bound to attend in his Court, under the same rules and regulations, and at the same hours, that the Masters in Chancery were bound to attend in theirs." He thought this provision was necessary, because it would be a very hard thing if individuals, attending with their Counsel, should be obliged in consequence of the absence of the Chief Remembrancer or his deputy to attend again, and to retain such Counsel by refreshers. When he saw innovations daily made in various law and other departments in Ireland, he felt that it was the duty of the twenty-eight Representative Peers of Ireland to watch over the interests of that country; and he certainly should use any influence that he possessed to correct any evil that was likely to flow from the adoption of new propositions. By the provisions of this very Bill an individual would lose the office which he now held, and yet he believed, that that individual had received no notice on the subject. The noble Marquess concluded by moving his Amendment.

Lord *Plunkett* said, that the noble Marquess was entirely mistaken as to the facts. With regard to there not being a sufficient security for the performance of the duty, he begged to say, that a sufficient security was to be found in the character and conduct of the hon. and learned Gentleman who had so long filled the office of Chief Remembrancer, and throughout the whole time with the full approbation of all who had any business to do in the Court. The noble Marquess did not like the legislation of the lawyers; but, surely, when a question arose as to the constitution of a Court of Justice; and as to the means of administering justice, they would not go to the country gentlemen in preference to taking the advice of lawyers who were practically acquainted with the matter. The lawyers of both sides of politics were in favour of this Bill, which was framed in imitation of the Bill that was passed in England on the same subject two years ago. As to the Amendment of the noble Marquess, it amounted to a censure upon the present Chief Remembrancer. Such a censure was totally undeserved by the learned Gentleman, as the Earl of Eldon, if he were present, would readily testify. The supposed Amendment would, in fact, make the labour of the Chief Remembrancer less than it was at present. The Amendment was to the effect that the Remembrancer should attend at the office in the same way as the Masters in Chancery did in their offices. Now there were four Masters in Chancery, there was almost as much equity business in the Irish Exchequer as in the Irish Court of Chancery, and the Remembrancer of the Exchequer having duly performed his business, he must have done almost as much as the four Masters in Chancery. This Amendment would make him do no more than one of those Masters in Chancery, so that the public would lose three-fourths of his services. He opposed the Amendment.

The Earl of *Devon* said, that the censure implied in the Amendment on the conduct of the Chief Remembrancer was quite undeserved. He had long known that Gentleman, who had practised for years in the Court of Chancery in England, and he was sure, that there was no one who would more scrupulously attend to the performance of his duties.

Lord *Brougham*, in like manner, asserted the great propriety and regularity of Mr. Blake's conduct; and said, that he should not be doing justice to that most respectable officer, if he did not stand forward to add his testimony to that of his noble and learned Friend, the Chancellor of Ireland, and his noble Friend opposite. Mr. Blake's conduct in Ireland was admitted, by all who knew anything of the matter, to be exemplary. The proposed Amendment was not only an injustice to Mr. Blake, but might be an injury to the public, by making the Chief Remembrancer take the amount of labour of the Master in Chancery as the maximum of what was required from him.

Amendment negatived — Bill went through the Committee, and the House resumed.

GREAT WESTERN RAILWAY.] Lord Wharncliffe presented the Report from the Committee on the Great Western Railway Bill, and moved that it be agreed to.

Lord *Kenyon* rose to address their Lordships, feeling himself compelled by a sense of duty. The circumstances which had taken place in the Committee on this Bill were of such an extraordinary nature that he would venture to say that they were altogether unparaleled during the thirty-five years that he had had the honour of having a seat in that House. The Committee had met on forty-one days, and in the course of that time a small number of Peers only attended the Committee, but at the termination of the proceedings many attended and voted without knowing what the merits of the Bill were. He was one of those Peers who thought that this was a measure of very great importance, and went into the Committee wholly unbiassed one way or the other, but with an anxious wish to afford to the inhabitants of Bristol the accommodation they wished for, and which they had petitioned the House to extend to them. He had been favoured by the Clerk of the Committee with a list of the Peers who attended, together with the number of days they were present. The Committee sat for forty one days, and the largest number of Peers who had been present during the sittings attended yesterday. Among those noble Lords who had most assiduously attended the investigation before the Committee was his noble Friend, the Chairman, who was present every day. The Report was agreed to yesterday by the Committee under the circumstances he had just mentioned, and after a division had taken place, when thirty-three Peers voted on one side, and twenty one on the other; looking to the majority of thirty-three who voted for the Report, he found that twenty-nine were noble Lords who had attended the Committee only that day, and for the first time. He might be told that noble Lords were justified in voting, who had not previously attended the Committee, provided they had read the evidence; but he must observe, that there was a great deal of difference between attending a *viva voce* examination, and merely looking over the evidence. The resolutiou come to yesterday in favour of the Bill was not agreed to by the majority of those who had most constantly attended the sittings of the Committee. He did not intend to throw out any imputations against any of the noble Lords, for they had to settle the matter with their own consciences, and he was bound to assume that every peer who gave his vote on the occasion was doing what he considered to be his duty. He felt called upon to trouble their Lordships with a short statement as to the circumstances of the case. He would proceed to show the grounds which induced him to think that the Committee yesterday came to a wrong conclusion as to this Bill. In opposition to the line of road proposed by the promoters of the Bill from London to Bristol, another had been proposed, the adoption of which, he believed, would be more advantageous. If this Bill passed, a new railway would be necessary of the length of 129 miles, whereas the other line of road would only require a railway of the length of eighty-four miles. The latter line of road was from London to Basing, and thence to Bristol, and this railway had been proposed to the Committee in competition with what was called the Great Western Railway. A portion of the railroad he had just alluded to was now in the course of construction, under an Act of Parliament of last Session for constructing a railroad from London to Southampton. It appeared that the parties interested had ample funds for the completion of this railroad, and satisfactory evidence had been adduced to show that all the money that was required was forthcoming. They had also good evidence that the projectors of it had sufficient funds in their possession to go on with it as quickly and it appeared that the instalments were always paid up readily and immediately they were called for. Again, forty-five miles of this rail-road would be completed within a short time, and therefore the whole would be completed with less delay than if the line of road laid down in this Bill was adopted. He admitted, from all that he could hear, that there was a probability of a sufficiency of funds for the completion of the Great Western Railway; at the same time a considerably smaller sum would be required for the formation of the road through Basing to Bristol. As, therefore, this last line of road could be completed in a shorter time than the other, and as it would cost less, the convenience of the public would be best consulted by adopting it. He was sure, therefore, that their Lordships would consider that a satisfactory case had been made out for the adoption of the railroad of eighty four miles, instead of the line of road of one hundred and twenty-nine miles. He believed that the difference in the time of travelling on either of these lines of railroad by locomotive engines would not be very great, as he understood the difference in the time of the journey from London to Bristol would not exceed ten minutes. Therefore, as far as that point was involved, there was no great difference. He was also satisfied that the Bristol and Basing line of road had a much better termination in London than that proposed in the Bill. That railroad would terminate on the other side of the river on the banks of the Thames. He thought it desirable that a line of road from Bristol should end near the river Thames, by means of which the produce and commodities sent up to town could be easily distributed to all parts of the metropolis, instead of sending them, as proposed in this Bill, to a dèpôt at a considerable distance from the river. There was to be a dock at the *terminus* of the Southampton railroad, by which goods from Bristol or elsewhere could easily be shipped and sent to their destinations. The difference in the charges for passengers and goods on the two lines of roads, would be so small as to be of very little importance. It was said by the advocates for this Bill, that the Great Western Railway passed near a number of large towns in the vicinity of London; but it appeared that most of these places were unwilling to have the railway near them. A great number of most respectable persons residing in the neighbourhood of Hanwell, close to which it was proposed the railway should pass, entertained the strongest objections to it, and had constantly opposed it. Again, he thought it objectionable, as it was cutting up the country near London more than was necessary, as there was already a line of railroad to the West of England. It was stated by the supporters of the Great Western Railway, that great facilities would be afforded by it for the carriage to London of hardware goods, pottery, &c., from the middle counties, as it might easily be connected, by branch roads, with several important manufacturing towns. He did not think that much weight should be attached to this statement, as no such branch lines of roads were mentioned in the preamble to the Bill, nor were they more than merely alluded to before the Committee. Supposing this Bill did not pass, the line of road from London to Bristol, by way of Basing, would be found of greater convenience to the inhabitants of Bristol. A Bill passed last year for making a railway from London to Southampton, which, it was proposed, should communicate by a branch road from Basing with Bristol. There could be no doubt but that it would be a great convenience to have such a direct line of communication between Bristol and Southampton as was proposed by this means. By adopting this line of road, there would be a direct communication between Bristol and the British Channel, as well as the French Ports. Persons also coming from Ireland, could thus proceed directly to the Continent. A great many objections had been urged against this Bill by the masters of Eton School. They objected with a great deal of justice, against the railroad being brought so near that seminary. It was said that those objections had been in some degree obviated. He did not know whether this was the case or not; but of course it was for the heads of that establishment to form a judgment on the subject. It appeared to him, however, that if the line of the railroad was brought so near Eton as the back of Salt-hill, it would be extremely difficult to make such arrangements as that the discipline of that celebrated seminary should not be affected. He might, perhaps, be told that no steps had been taken for making a rail-road from Basing to Southampton. If, however, their Lordships made up their minds that Bristol should be accommodated with a rail-road in that line, which it was his firm conviction was the most convenient that could be adopted, the impediments would easily be overcome. There was one other point with respect to this Great Western Rail-road to which he wished to advert, and with respect to which he thought many well-founded objections could be urged—the promoters of the Bill even admitted these objections — he alluded to the expensive line of steep tunnelling in one part of the line of road. Having said thus much, he did not feel called upon to trouble the House at greater length. The noble Lord concluded by moving that the Report be taken into further consideration that day three months.

Lord *Carbery* never felt more pain than at the observations which fell from his noble Friend with respect to those noble Lords who voted in the Committee for this Bill. He would only say, on that point, that although he might not have attended the Committee so constantly as his noble Friend, yet that the course which he had pursued he considered to be right, and the vote which he had given was conscientious. As an Irishman he felt great anxiety for the completion of a rail-way between Bristol and the metropolis, as he thought that his country would be benefitted by it. The question then was, which was the best line of road that could be adopted? They had been told that by proceeding with a rail-way from Basing to Bristol, instead of with the Great Western Rail-road, the expense of making forty-five miles of road would be saved. He did not think that the expense alone of constructing the railroad should be considered; but other points should also be taken into account. It had been found by experience, that a rail-way would not pay merely by the carriage of goods, but that the profit must be looked for by the conveyance of passengers. The question then was—whether they were likely to get a greater number of passengers on the Basing line of road or the northern line? After the best attention to the subject, and after a long investigation as to the state of the country and the population on the two lines of road, he had come to the conclusion that the northern line of road was much the best. He admitted that it appeared to be advantageous to the people of Bristol that they should have a direct communication with Southampton, but he felt satisfied they preferred the Great Western Rail-way, and surely the Bristol people were the best judges for themselves. They were fully competent to manage their own affairs, and could understand their own business better than any other person. His noble Friend had alluded to the long tunnel which it would be necessary to make if the line of road as laid down in the Bill was adopted; if it could be avoided certainly it would be desirable; but no long line of rail-way could be met with in which tunnelling did not occur. His noble Friend had complained of the descent in this tunnel; but the truth was it was not greater than that in the Lowther Arcade. Again, when a principal witness was asked which line of rail-way he preferred, he replied, that if they were to have a rail-way, let them have that through Reading. The Company agreed to all the suggestions that were made by the masters of Eton, except one, which was, that they should build up a wall ten feet high on each side of the rail-way for four miles. Only imagine a wall extending four miles across the country! What would the people say who lived at each side of this Chinese wall at being cut off from communicating with each other without going miles round. His noble Friend had also said, that it was desirable that the rail-road should terminate near the river; now he considered the proposed termination in this Bill just as convenient as any that could be adopted. He would only repeat that the vote he gave on the Committee was a conscientious vote.

The Duke of *Buccleugh*, considered the Bill of great national importance. The observations just made by the noble Lord relative to the wall four miles long was calculated to mislead their Lordships. No doubt a proposition was made by the counsel for the masters of Eton School to build up a wall ten feet high and some miles in length, to prevent the boys getting on to the rail-road, but it never was seriously entertained for a single moment. The changes proposed, however, were likely to obviate the objections made by the authorities at Eton. It would have been an absurdity to suppose that a town like Windsor would have consented to be excluded from the benefits of the rail-road, as would have been the case if the wall had been built. With the noble Lord who had opposed the Bill, he saw very serious objections to the *terminus* proposed in it. The noble Lord had made some observations on noble Lords voting in the Committee who had not heard the evidence. It had been said that those noble Lords had read the evidence; but every body must know that there was a great deal of difference between reading the evidence and hearing it. With regard to the question, which of the two rail-roads was the preferable one, and the most likely to be a profitable speculation, he felt bound to say, that when he considered the amount of money requisite to complete the one or the other, and when he considered the amount of toll which was likely to be received upon each of them, the whole evidence taken upon those points led him to the conclusion that the Southampton line was the most likely to pay the expenses. There were other reasons which induced him to prefer the Basingstoke line to the line chosen for the Great Western Railway. The Western Railway did not come into London, but joined the Birmingham Rail-way about five miles from town; and the access to the port of London by that line was difficult, whereas the Southampton Rail-way had an easy and convenient access direct to the Thames, a little above Vauxhall-bridge. It had been said that rail-ways were not so much calculated for the conveyance of heavy goods as of passengers, and that the line of the Great Western Rail-way was much more likely to attract passengers. It appeared to him that both parties seemed to calculate upon about the same number of passengers, and certainly he had heard no evidence to show there would be any such enormous advantage in that respect in favour of the Great Western Rail-way to that which the Southampton Rail-way would have. Then it had been said there was this advantage in favour of the line of the Western Rail-way—that a branch line could be constructed from it to Stroud and Gloucester. But how did their Lordships know that that branch would ever be constructed? He had great doubts upon the subject, for it would require not only a great deal of money, but the work would be exceedingly difficult of execution. The advocates for this Bill had endeavoured to impress their Lordships with the idea that the question which they had to decide was, whether there was to be a rail-way between London and Bristol or no rail-way. That was not the fair way of stating the question. It did not by any means follow that if this Bill were thrown out, there would be no rail-way to Bristol, for there was another Bill before Parliament, the object of which was the construction of a rail-way from London through Basing to Bristol, of which forty-five miles was at this moment in the course of completion, and which would be completed very soon. Besides, the Western Rail-way line, if adopted, would interfere materially with many considerable residences, and destroy much valuable land. It was not true, however, as had been stated by the supporters of the Western Rail-way Bill, that it was the wish of the Southampton Railway Company to keep the whole traffic of Bristol and the profits to be derived from it in their own hands. So far, indeed, was that from being the case, that the Southampton Company had stated their willingness to give up to the Western Rail-way Company, the whole of the line from Basing to Bristol; to construct the railway between Basing and Bristol conjointly, and to share the profits equally. He felt bound to say that, in his opinion, the whole evidence taken before the Committee had not made out a case which ought to induce their Lordships to pass this Bill.

Lord *Wharncliffe* had heard evidence in the Committee upon the subject of the Bill for forty-one days, besides having heard speeches of counsel, one of whom spoke for eleven hours, another for eight hours, and another for six hours. He had therefore heard quite sufficient of the subject, not to wish to detain their Lordships with any lengthened observations at present. There were a few points, however, which had been touched upon by the noble Lords who preceded him, which he felt that, as chairman of the Committee, he would not be doing his duty if he did not make a few remarks upon. The real truth was, that this was a contest—for contest it was—between two rival companies. Last year Parliament had passed an Act for making a railway between London and Southampton. In that case it was made out that there would be a profit upon the outlay of 20 per cent. But no sooner had that bill passed, than a prospectus was handed about with a proposition for making a railway between Basing (a small place near Basingstoke) and Bath, and ultimately to Bristol. That Bill was thrown out on the second reading. He had had some experience in railways, and he had never seen a scheme of this kind which was likely to be profitable, that was not supported by the people in the neighbourhood of the district through which it passed. It was natural that if the speculation was likely to be productive, persons along the line would be most likely to venture their money upon it. But in regard to the Bath and Basing line, it was not pretended that the people along the line had subscribed one shilling. Indeed, so far was that from being the case, that the greater part of the subscribers lived in Manchester, Liverpool, and other places. The people of Bristol thought the Western Railway line the most likely to pay, and they, therefore, supported it. It took in not only Bristol, but the whole country by Swindon to Cirencester, and so to South Wales. It took in all the great manufacturing districts in that part of the country, and the people of Bristol therefore supported it. With regard to the Southampton Railway, when the parties who wished to take that line showed that there would be a profit of 20 per cent. upon it, it behoved them also to show that there was some probability that the line between Basing and Bristol would be completed. Now what were the facts? The Southampton Railway Company brought a Bill into the other House of Parliament which had passed one reading, and had never been carried any further. The reason for this he would explain. It was a rule in the other House of Parliament that a Private Bill could not be read a second time unless one half of the capital required to carry it into effect were subscribed. Now in this case the capital required was 1,000,000*l.* while the whole amount subscribed was only 350,000*l*, and even that was subscribed not by persons along the line of the railroad—not by persons who had an interest in it further than as a speculation—but by people in Manchester and Liverpool. But besides this it was necessary that the consent of the proprietors along the Basing and Bristol line should be obtained; and who could say that they would not object to it? The Basing and Bath line had also another great interest to contend with, namely, the Avon Canal, which would most certainly oppose it. He might also mention that that line passed through a country which was certainly the least populous in the neighbourhood of the metropolis, whereas the Western Railway passed through Maidenhead, Windsor, Marlow, and a great number of other towns, which would certainly add greatly to the number of passengers who would travel by that line of conveyance. Something had been said in regard to the injury which the Western Railway would do to Eton. He really could not see how the passing of a railway at the distance of a mile and a half from the college could injure that establishment. It had been stated that it would give facility to the boys to go to London; that, in short, it brought Eton within ten miles of the metropolis, instead of being, as it was at present, twenty-one miles from it. But when it was considered that the boys had in the first place to walk a mile and a half to the railway, then to travel to London, and to be back again at Eton within an hour and a half, he did not think that they would have much time to occupy themselves in town. Besides, their Lordships were aware that Westminster school was still nearer, and Charterhouse was actually within the City, without any of the great evils so much dreaded in this case having arisen to them. He really could not see that there was any danger to be apprehended to Eton on account of this railway; but at all events, clauses had been inserted into the Bill, by which the Conpany were obliged to keep persons to watch within certain distances near Eton, and to prevent the boys from going on the railway. The real truth was, that the Southampton Company wished to have all the traffic to themselves, and felt that the railway had no chance of paying, unless it was carried forward to Bristol. But he thought that their Lordships would not consider that a sufficient reason for throwing out the Bill then before them, if upon other grounds the proposed line were considered better than that of the Southampton Company.

Lord *Brougham* did not pretend to be a judge of the merits of the two lines of railway, for he had not attended the Committee, and he was, in fact, as ignorant of the evidence as the twelve noble Lords who, for the first time, had come down to the Committee when they came to give their votes. But what he wished to know from the noble Lord (Wharncliffe) was this:—The Committee having heard evidence for forty-one days, and then made up their minds upon that evidence, and certain noble Lords having attended the Committee during these forty-one days, and counsel having spoken, as was stated by the noble Lord—one for eleven hours, another for eight hours, and a third for six hours—he wished to know whether it was true that the Committee had come to the decision of adopting the Report which they had heard read, upon the votes of those who had heard the evidence and the counsel, or upon the votes of those who had not heard either the evidence or the counsel, but who came down in a good round dozen to vote upon the occasion, and who had no more right to know any thing of the matter than any of their Lordships. He did not mean to say that it was not quite legal for their Lordships to give their votes in that manner, for he was well aware that their Lordships were quite entitled to give their votes upon subjects of which they knew nothing. But he would ask if it was the intention, when Select Committees of their Lordships' House were appointed to examine into the evidence upon which a Bill was founded, that votes should be given in that manner? He had always thought that the meaning of proxies not being allowed upon Committees of their Lordships' House was this—that the Members of the Committee should attend the meetings to hear the evidence, and should judge by what they heard. He had an old-fashioned notion that those who judged upon evidence should hear the evidence. But that did not appear to be the system in their Lordships' Committees. He called it a mockery to say evidence should be called, and counsel heard upon a point, while those who were to decide upon it were riding in the parks or otherwise amusing themselves, and who then came down and voted without hearing one word of the evidence. And not only was it a mockery of justice, but it was an unnecessary trouble and a totally useless expense.

The Marquess of *Londonderry* reminded the noble and learned Lord that on the previous night he had excused himself for having acceded to a measure because it had been recommended by a Committee in which he had confidence. He was a member of the Committee, and although he did not attend as closely as some other members, he was not unacquainted with the evidence. He supported the Bill before their Lordships, because it was of great importance to Ireland, and was likely to be highly beneficial to that country.

The Duke of *Cumberland* said, that no man was more anxious to be of assistance to the city of Bristol, or to Ireland, than he was; and he hoped he should, therefore, not be misunderstood in the vote which he should that night give, to be hostile either to Bristol—a city to which he felt the utmost attachment—or to Ireland, for whose welfare and advancement he was most anxious. But the opposition which he felt it his duty to make to this Bill proceeded from a conviction that the evidence which had been produced in respect to it before the Committee, had gone completely to cut up the grounds upon which the Bill rested. If a way could be made to Bristol which was equally short with that proposed by this Bill, and otherwise unobjectionable, he could not see why it should not be adopted. He had attended the Committee day after day, from the time of its being appointed, with the exception of one week, when he went to Cambridge, and he had carefully read the evidence taken during his absence, and upon that evidence his opinion was made up against this Bill. One of the chief objections, however, which he felt to the line of the Western Railway was its proximity to Eton. The consequence of its adoption, as he understood from some of the masters, was, that the whole system of discipline would necessarily be changed, and a much more contracted system adopted. It could not be supposed that in voting against the Bill he was unmindful or careless of the interests of Ireland, especially as an equally good railway could be obtained by the Southampton line. In these circumstances he felt bound to vote for the motion of the noble Baron, and he hoped in doing so his motive would not be misunderstood.

Lord *Ashburton* should in general feel inclined to be led by the opinion of the Committee upon a subject of this kind. And in the present case he should have thought that course the safest were it not for the circumstance, that the conclusion to which the Committee had come did not appear to depend so much upon the evidence as upon the votes of those noble Lords who was absent when the evidence was given, and who came to the Committee merely for the purpose of voting. As to the Interest which Ireland had in the question, he could not see that it extended beyond this—that the best line should be adopted. Upon an attentive consideration of the subject, he had certainly come to the conclusion that the Basing line was the best line. That was his firm opinion. The question to be decided was, which was the best line for a railway between Bristol and London? Now, after hearing the opinions of the surveyors, and of many gentlemen who were well qualified, as well as from his own observation, upon the respective claims of the one line and of the other, he admitted that it might be a subject of considerable doubt which should have the preference; but when he found that for forty-five miles the two rail-roads could go together, he was certainly inclined to give his support for that which was already in progress, both on account of the great expense which would be saved. and on account of there not being so much cutting up of the country. He thought, too, that where there was but one railway the chance of its being kept in good order would be greater than if there were two. His impression was, that by having two Bills and two lines of railway, both lines would be badly kept. He was not very conversant with the usages of their Lordships' House, and, therefore, did not know whether it was customary to oppose the bringing up of a Report from a Select Committee; but considering the late period of the Session, he thought it would be as well to take the sense of the House upon the measure now as at a future stage of the Bill.

The Earl of *Carysfort* was one of those who had taken a deep interest in the proceedings before the Committee, which he had very regularly attended. He did not believe that there were many noble Lords who were better acquainted with the line of country through which the railway was proposed to be carried than he happened to be. The city of Bristol was most importantly interested in this question; and from his connexion with that city he was most anxious to promote every measure that could be beneficial to it. But he must confess that it appeared to him the persons connected with the port of Bristol were quite mistaken in their speculations with respect to the formation of the Western Railway. He was of opinion that the Basing line would not only be more beneficial to the city of Bristol itself, but would also be so to Ireland, whose interests were so intimately connected with that port. With regard to this Report, he always felt disposed to place the utmost confidence in the reports made by Committees of their Lordships House, when those Committees were attended regularly by its members and full consideration was given by them to the evidence adduced; but when a report was stated to have been carried by a majority of noble Lords, many of whom had never before attended the Committee, he confessed he could not give the Report that confidence which he should otherwise be disposed to do.

Lord *Segrave* felt himself imperatively called on, in consequence of what had fallen from his noble and learned Friend (Lord Brougham) and other noble Lords, to trouble their Lordships with one observation. It was true he did not attend the Committee for more than one day, and had the evidence before that Committee not been printed he should not have thought himself justified in giving a vote upon the subject, but as that evidence had been printed, and as he had read it carefully through, he did consider himself qualified to give a vote in the Committee on the subject. He did not attach so much importance to the speeches of counsel as his noble and learned Friend did, because it was well known that the object of counsel was to pervert and mystify the evidence brought forward on the opposite side, and to give a colouring to the evidence adduced by themselves. But having formed his conclusions from an attentive perusal of the evidence, and having been in constant communication with persons connected with Bristol, Stroud, and Gloucester, he felt himself justified in giving his vote in support of the Bill.

The Marquess of *Clanricarde* did not attend the Committee more than twice, but having studied the evidence, he had felt himself bound to vote for the Bill in Committee.

The Earl of *Carnarvon* could not refrain from expressing his feelings after what had fallen from the noble Lord and the noble Marquess. He would say, that he never was more astonished in his life than when he saw peers of England come down to a committee and vote in favour of a report upon a subject respecting which they had not heard one word of evidence, not one argument of counsel. It was not befitting conduct. He admitted that he spoke warmly; but what he meant to say was, that he had never known a similar instance of so many noble Lords voting on a Report who had not attended the previous proceedings of the Committee. He and other noble Lords had been engaged in a most laborious investigation for fifty days together, having given up all their pleasures and comforts for the purpose of coming to a fair and impartial decision upon a question involving interests to a very great extent. After having done this, and having formed their opinions upon a careful consideration of the arguments of counsel and the evidence of witnesses, they found their judgments overruled by a majority of noble Lords, the greater part of whom had not heard any portion of that evidence, or a single argument for or against the measure. He did most deeply regret to see such conduct on the part of the nobility of England. He thought that if justice were to be administered in this manner it could not reflect on the character of the Peers any credit with the people out of doors. On the contrary, it was calculated to prejudice their character, when the people knew that noble Lords who had not heard any evidence on the subject had come down and decided a question in which millions were at stake.

The House divided on the question: For bringing up the Report, Contents 50; Not-Contents 28; Majority 22.

CORPORATION REFORM — REPORT.] Viscount *Melbourne*, in moving that the Report on the Municipal Corporations' Bill be received, said, that he begged to guard himself most explicitly against being supposed to give any sanction or any approbation to the amendments which their Lordships had thought proper to introduce into this Bill. In his opinion those amendments greatly diminished the benefits of, and considerably deteriorated the Bill as originally brought up from the House of Commons. He thought their Lordships, in consenting to those amendments, had been agitated by unreasonable fears and unnecessary apprehensions of evils not likely to take place from the measure as it was originally brought under their consideration, and that to those unsubstantial evils their Lordships had applied most inefficient remedies. He thought their Lordships had completely departed from the clear, simple, plain, intelligible, safe, and secure principle upon which the Bill was founded and sent up to their Lordships, and in its stead had adopted a principle comprising complexity, intricacy, and every variety of provisions, none of which would, in his judgment, have the effect which he believed had been intended, but, on the contrary, would be productive of most prejudicial effects upon his country, because nothing was more certain than that the law which did not produce the benefits anticipated from it, the law that failed to guard against the evils which it was designed to remove, was certain to produce other effects not anticipated by those who introduced those laws, effects which were certain to be of a prejudicial nature. At the same time, considering the great importance of this Bill, and the equal importance that the question to which it related should be settled if possible—considering that the feelings of the country had been increased by the sudden and unexpected manner in which the opposition to this measure had been raised in this House, and by the alterations which had been made by their Lordships —he repeated, considering all these important elements, he was for one not disposed to offer any obstacles in the way of now receiving those amendments. At the same time, in so doing he must beg leave to state that he could not answer for the support of the other House of Parliament being given to any of those amendments either *in toto*, or to any portion of them. He, however, thought it was due to the attention which had been bestowed by their Lordships upon the Bill, that their amendments should be submitted to the mature and deliberate consideration of the other House of Parliament. It was not, therefore, his intention to trouble their Lordships by going into any of the various topics and questions that had arisen on this Bill—a Bill which had been discussed at so much length, but upon the bringing up of the Report he should, nevertheless, feel it his duty to move the omission of those amended provisions of the Bill which appeared to him to be most objectionable, and by such omission to endeavour to place the Bill in the same situation and form in which it was brought up from the other House. He should, amongst others, move the omission of the clause saving the rights of the freemen—a clause, in his judgment, peculiarly objectionable. He should also move to omit the clause recognizing the rights of aldermen for life; and he should also endeavour to replace the qualification clause for the Council in the same state in which it had been brought up from the House of Commons. He did not believe that the qualification clause which had been introduced by the noble and learned Lord into the Bill would at all tend to the object which he felt satisfied noble Lords opposite themselves had in view. It was unsuitable to the state of many of the towns to which it would under the Bill be applied; for property afforded no certain criterion of talent or respectability, and the effect (as he was given to understand) of a property qualification would in many towns be to exclude persons of respectability and worth, while it admitted individuals of a very different description into the governing body of such towns. The same amount of evil would arise from the qualification clause proposed by his noble Friend opposite (the Earl of Devon); that clause was liable to all the objections which could be raised against the other, and would fail in its object. The clause of his noble Friend would exclude no one, and of those it attempted to exclude the majority might be honest men, while those admitted might be fraudulent in declaring themselves to be possessed of property to an amount which they really did not possess. He would not now say more than that he should move to omit these amendments on the bringing up of the Report; and upon the qualification clause, and that relating to the aldermen for life, he should feel it his duty to take the sense of the House.

Lord *Ellenborough*, entertaining very different opinions both upon the amendments made by their Lordships in this Bill, and upon the course which he thought it to be the duty of his Majesty's Government to take with respect to it as it stood, from those of the noble Viscount, was anxious to express his sentiments on these subjects. It might, perhaps, be more convenient that he should postpone his observations, until the verbal amendments had been agreed to, but in this respect he would meet the wishes of the House. When he voted for the second reading of this Bill, he had done so only in the hope that their Lordships would adopt such amendments as would induce him to think it was likely to become a beneficial measure. Those amendments had been made, and he was now ready to agree to the Report, but as those amendments had been discussed separately, and as there had been no general discussion with respect to the Bill in its amended state, it would be well to look back and examine what had been done, and whether any of the amendments ought to be reconsidered and altered. At every step which had been taken in effecting those amendments, those who had brought them forward had been assailed with the strongest reprehension, had been charged with vexatious opposition—had been told they were mutilating the Bill, and outraging the feelings of the people of England—and that as a House of Lords they were committing suicide by their own conduct. What had that conduct been? In the first instance, had they been wrong in hearing Counsel at the Bar? Their Lordships had a precedent for this course in the case of the measure affecting the hereditary jurisdictions in Scotland—a measure entertained at a time of great agitation, at the end of a rebellion which, if not based upon, was at least assisted by the influence of those very hereditary jurisdictions. In that case, and in such times, Counsel were heard on the measure at the Bar of their Lordships' House, and on this occasion he and those who thought with him were of opinion that the same course ought to be followed, because, as shown in the precedent he had cited, it was the custom in matters of property for this House to hear Counsel, and it was the right of the subject so to be heard. On the present occasion, too their Lordships had also heard witnesses, and this had been made a charge against them. He asked their Lordships whether in a case where property was affected, they could with justice have acted otherwise? And how was property affected in this Bill? By one of its clauses, as it originally stood, property not held in trust (but still as much the property of those who held and enjoyed it as the property of any individual was the property of that individual) was to be taken from those in whom it was invested and transferred to another. By the same clause the property enjoyed by individual freemen was to be converted into life interests, and sales of those life interests might be forced, and the effect would be that all the common lands enjoyed by, and in the possession of, poor freemen, would be enclosed, and their rights destroyed—all this too was to be done without the consent of the individual concerned, though in the case of a simple private Enclosure Bill the consent of one-half or two-thirds of the persons interested must be proved before the Legislature would interfere. By the same clause, persons who were interested, but might be absent—minors, insane persons, and others incapable of defending their rights, were thus summarily to be deprived of them, and not only that, but half the expenses of the assignment was to be paid by them. By another clause of the Bill as it came from the other House, leaseholds under corporations at fines certain or arbitrary, or renewable, were converted into leases at rack rents, and the property formerly equal to copyhold was annihilated. Now, if such provisions had been contained in an ordinary Bill of Enclosure, by which such interests were sought to be affected, both Counsel and witnesses would be heard, and he had heard no reason assigned why, on so important and general a measure as the present, the same course should not be followed. It had been said, that in this case it had been adopted for purposes of delay; his answer was, that it had been pursued for the purposes of justice. Their Lordships, having heard Counsel, had then proceeded to consider the Bill with much greater advantages than the House of Commons possessed, for many facts by these means had been made clear to their Lordships, of which the other House was ignorant, and the effect of the evidence adduced at the Bar had been to induce their Lordships to avoid the injustice of the clauses to which he had reverted—evidence which had induced their Lordships to strike out of the schedule many towns to which the principle of the Bill could not possibly apply. Counsel and witnesses having been heard and examined, their Lordships had gone into Committee on the Bill, and had then declared that they would not stir a step until they had first secured the rights and franchise of the freemen, as established by the Reform Bill. Where, he would ask, were the poor freemen to look for support if they could not ask here, in this house of Legislature? "We," said the noble Lord, "form a part of the Legislature, besides possessing a judicial character of the highest degree, we are the hereditary tribunes of the poor, and we take this course in order to protect their rights of franchise and their rights of property, and in securing these we only do our duty." Their Lordships had also most justly followed the principle of the Reform Bill in expressing, by their amendment, an opinion that it was not expedient to leave to the King in ouncil the power of determining the boundaries of the boroughs and towns. Under the Reform Bill it was left to Parliament, and in this case it ought to be left to the Legislature. They had rightly insisted upon this, because under the name of the King in Council, his Majesty's Ministers might have made those boroughs and towns what they pleased, and have thrown an influence over those places in whatever direction to them seemed fit. Their Lordships had done right in deciding that this duty should be placed, on the suggestion of the noble Duke on the cross benches, in the safe hands of Commissioners under certain instructions issued by Parliament to them; and with regard to the division of the towns into wards, the House had felt that every interest in each town ought to be represented, and with that view had increased that division more extensively than had been provided by this Bill. Neither had he, or those who thought with him on this subject, made any objection to the nature of the qualification of the voters under this Bill. He, however, did not mean to say, that it was a matter of great doubt and difficulty whether that constituency ought or ought not to be adopted, it might be a perilous experiment; at the same time he thought it right, under the circumstances, to adopt it, but in doing so due care should be taken to prevent fraudulent and fictitious votes. Analogous to the qualification for voting, another was provided by the amendments that all electors should not be qualified to be elected to office, or, in other words, that they being electors were not thereby eligible to corporate offices. This distinction had been drawn, not under any feelings of jealousy, but in consideration of the great funds intrusted to them, and of the importance of the government of the town. With this view their Lordships had introduced a qualification flexible in its character, and equally applicable to all the different towns in the country, but at the same time, on an objection being stated to a portion of that qualification, and under an anxiety to avoid all difficulties, they had closed with the suggestion made on the other side of the House, and had adopted a less efficient, though perhaps more popular, qualification, and thereby had done away, in that respect, with some of the objections which might otherwise have been urged. Their Lordships had next proceeded to consider the nature of the constitution of the council, and it had appeared to them that it was more desirable that the offices should be held for life than that they should be continually fluctuating. They had thought that many persons of quiet habits and of respectability might be induced to become candidates for these offices if permanent, while, if only annual, they would decline; and when it was remembered that the police of each town was to be intrusted to, and regulated by, its council, it had appeared to them important that in times of difficulty and danger, persons might be found to act without the apprehension of displeasing their constituents. By this Amendment the evil effects of a sudden transition from an ancient to a new system was avoided; the Amendment in this respect was only temporary, and could not interfere with or affect the future working of the Bill. It was both beneficial and salutary, because it avoided giving that which was intended for improvement the aspect of revolution, which the destruction of corporations not proved to have done any wrong would otherwise impart. Such were the principal alterations which had been made by their Lordships in this Bill. It had also been rightly determined, that the magistrates in corporate towns should be named by the Crown, and not subject to the Crown for selection. With the proposed popular right of election it would be perilous in the extreme to the administration of justice to intrust the selection to the elective body. Equally had their Lordships done rightly in postponing to another year the question under what restraints the charities managed at present by the existing corporations should be given to the newly-to-be-created bodies. Such, he repeated were the principal amendments which had been made; he did not deem it necessary to advert to the minor alterations—minor in their nature, but important in their circumstances. He would, however, mention that adopted last night, with reference to church livings in the gift of corporations, and the provision that they should be bestowed only on members of the Church of England. He could not see any objection to that principle, though he at the same time thought that species of property extremely inconvenient, and most undesirable to be held by corporate bodies, and he for one should be glad to see some legislative arrangement by which this system might be altered, and the advowsons sold (the proceeds to be applied to corporate purposes), for he did not think a church living a fit matter of canvass for votes, or that such a means of preferment placed a clergyman of the Church of England in the position which he ought to hold. Such were the Amendments proposed and adopted with every wish to meet the opinions of the House of Commons; and what was the Bill after these Amendments? Was it mutilated? or was it now in such a shape as to make it unbecoming in the House of Commons to accept it? Notwithstanding these Amendments, their Lordships had put an end to self-nomination—had removed the painful sentiment of perpetual exclusion from corporate offices, which must have rankled in the breasts of many deserving the trust; they had adopted the constituency recommended to them by the other House, and they had placed the management of the government of these towns in the hands of individuals who derived such power from the people. While they had effected all this, they had justly and wisely, by their Amendments, refused to give the character of vindictiveness to a measure intended for conciliation. They had refused to make it a measure of ungenerous triumph to one party, and of unmerited degradation, reproach, and humiliation to the other party in these towns. It had been said early, and been said generally, and significantly, that they would not consent to pass this measure, because it was calculated to destroy the Conservative interests in the reformed municipal towns. He believed these apprehensions were greatly exaggerated, for when he had asked the question, he had never received an answer showing those apprehensions were well founded; on the contrary, he believed on conviction that the only strength of the Conservative party existed in an endeavour to supply defects where they really existed, and improving the institutions of the country where it could be shown improvement was necessary. They had no interests distinct from those of the people; they, in common with the people, were exposed to no other danger than that which existed from the continuance of agitation, to prevent which was both their duty and their interest. They had endeavoured to effect this by doing that which they conceived to be right; they had turned a deaf ear to the threats and dangers by which they had been menaced; they had proceeded firmly in their course, not indifferent to consequences, but determined to prove them. They had been told, as he had already said, that their conduct in respect to this Bill was suicidal; he thought otherwise, for he believed by that conduct they had strengthened their hold upon the affections of the people. No man was more anxious than himself to act in accordance with the feelings of the House of Commons; but it was difficult so to act when measures were propounded, not in accordance with the views of the majorities of both Houses, but to meet the objects and wishes of an extreme party in one branch of the Legislature. Such was the difficulty with which their Lordships had now to contend, and he believed they had answered the best interests of the country by the adoption of the amendments to which he had already adverted. They had considered the subject with the utmost care and anxiety, and he most anxiously desired that the Commons should look to the opinions the House had formed upon the question, with half the disposition to acquiesce in them, that their Lordships had brought to the consideration of the original Bill. He knew not why the House of Commons should not accept the Bill in its present shape, for it was still according to the principle originally sent up by them. In taking this course their Lordships had acted as the real friends of the people. In making those improvements, they had done that which became them—they had given a full, consistent, and constitutional Conservative reform.

Lord *Holland* said, that in following the noble Lord, it was not his intention to go into the detail or the grounds of the eulogy which the noble Lord had bestowed upon part of that House. He would wave for his own part that right or title which the noble Lord had conferred upon him as an hereditary tribune of the poor. But as the noble Lord himself had not in that assumed character exercised his veto against the Bill altogether, but had contented himself with sending it back in a mutilated form, he did not rise *provocare ad populum.* He must say that the present Bill, when it came from the House of Commons, contained a plain and simple plan—its first object was to secure good government for the towns of England and Wales, and to satisfy the inhabitants of those towns that henceforth their affairs would be judiciously administered. One of the means pointed out to obtain this salutary end was, that all persons rated in towns should have a voice in the election of those by whom their local affairs were to be administered, and thus they would have secured to them a responsible instead of an irresponsible government. The noble Lord had given a description of the changes made in the Bill since it came from the other House—but what a difference between its former and its present condition! Every one of its great principles had either been tampered with or destroyed. It was true that one part had been preserved—that was, it still preserved the form of popular election, but it was only the form, for all the advantages of popular election had been done away with and subverted—and allow him to say, that keeping up the form and semblance while they destroyed the substance was the very worst mode by which they could attempt to secure the harmony of those towns for which they were legislating. For his own part, he was convinced that if this Bill should pass into a law, those towns would be more likely to be disturbed and discontented than ever they were before. The parts in which their Lordships had made the greatest change in the Bill were the introduction of the clauses relating to qualification, and the continuance for life of certain officers. He would admit, however, that as to the qualification the evils of the noble Lord's Amendment were much mitigated by the other Amendment of the noble and learned Earl (Devon). Still, however, he objected to qualification at all, and particularly to the qualification introduced, for he felt that, as it now stood, it was impracticable. Perhaps, instead of this being an objection, he should say of it as Soame Jenyns said of universal suffrage, that, instead of its impracticability being an objection to it, he thought it constituted its greatest excellence. All pecuniary qualifications had hitherto failed, the principle of them was contrary to the spirit of the British constitution. He would contend that by common law it was the right of every British subject who could elect a representative, that he himself might be elected as that representative; and in the case of Horne Tooke, he was old enough to remember that in the discussions whether a person in priest's or deacon's orders could sit as a member of the other House of Parliament, it was contended by Mr. Fox in the Commons, and by Lord Thurlow in the Lords, that the right of electing representatives and representing electors was a right given by common law which could only be restrained by the strong arm of the statute-law. The qualification, then, which the Amendment established was a restriction on, and not an extension of the people's rights. It was not qualification but disqualification, and a disqualification of five-sixths of the community in every large town. It was as monstrous a proposition, viewing it as an alleged extension of popular rights, as ever came from the pigeon-holes of any statesman. Bad as that was, it was made worse when coupled with the other change, which continued the aldermen for life. But then insult was added to injury, when the further change was added which continued the present town-clerks in their offices for life, for it was in effect saying to the people "This man who acted as your agent, no matter how he may have acted, shall still continue so to act for the remainder of his life, whether you like it or not." This he called a complete revolution in the whole Bill, and he could not but express his astonishment at hearing the noble Baron, with a full knowledge of all those changes, confidently assert that the principle of the Bill was still preserved. "Oh, but," the noble Baron said, "popular election is still left." What was the difference between election and nomination, where the former was not perfectly free? The noble Baron spoke as if his great object were only to get proper men, without considering the means by which he was to get them. Why keep in the principle of election at all, if it was not allowed to be what it implied—a free choice? What was the object of it, if the electors were not allowed—to use a phrase used sometimes there and elsewhere—to do what they liked with their own? The right was worthless, if it did not allow the electors to choose whom they pleased. If a man had a right to pay, he had a right to vote. That principle was admitted even by noble Lords on the other side, but if the inhabitant of a town had a right to elect, by parity of reasoning, he had a right to be elected, unless that right was taken from him by statute law, and this qualification, whilst it tended to give him a right, effectually curbed its exercise. He would not go further into the details of the Bill, but before he sat down he would beg to put a question to the noble and learned Lord at the lower end of the House, who was a great artist, and who both by his tongue and his pen possessed the faculty of making things unintelligible whenever he pleased. He would ask the noble and learned Lord who moved that

Clause by which none but members of the Church of England should vote in Corporations on questions relating to church patronage in the gift of those Corporations, how he was to define who was a member of the Church of England and who was not? Was it a person who subscribed to the 39 articles? or was he to be reckoned not a member of the Church of England who refused to subscribe to those articles? If that were to be taken as a test, he feared that the numbers composing it would be much smaller than those which they had heard of the other day. He knew many individuals, who were strict Protestants and members of the Established Church, who would not sign those articles, because they believed that in signing them they would be signing an assent to the Athanasian creed and the homilies; and for his own part, considering himself a Protestant and a member of that Church, he would not sign an assent to either. There was one of the homilies —that on obedience—which few British subjects in the present day would attempt to sign. How, then, was the noble and learned Lord to know a member of the Church of England? Was he to know it by the man's going to church, or was the person who stayed away from church not to be considered a member? If so, then they must re-enact the non-conformity statute. He would therefore beg the noble and learned Lord to explain himself upon the point.

Lord *Lyndhurst* was extremely desirous, with respect to the Clause to which the noble Baron had alluded, to fortify himself with an authority for which he conceived the noble Baron would feel a deep respect. He would first read the words, and then state the authority. "I can state with the greatest certainty that the Dissenters of England do not aspire to any of the patronage of the Church, but are ready to follow the example set them by the honourable and learned Member for Dublin, and to agree that Church patronage should remain in the hands of those to whom it particularly belonged—the members of the Established Church." On the same occasion another person made use of these words: "There are livings in the gift of certain Corporations, and under this Bill those livings may be disposed of by the members of a Church to which they are not attached. Now I belong to a certain persuasion in Ireland, which never had a title to share in the gift of such advowsons; and of this we do not complain. I think that the power of making these nominations should be given to the members of the Established Church." He thought the noble Baron would admit that these authorities were entitled to some weight, when he stated that the first was a Dissenter—the hon. Member for Leeds; and the other, the hon. and learned Gentleman, the Member for Dublin.

Lord *Holland* said, that the noble and learned Lord had entirely mistaken his question. He did not contend that it was absolutely right that a man professing one religion should bestow a benefice upon a man professing another; but he said that in an Act of Parliament, in which they laid down the maxim that no man should vote upon a particular subject except members of the Church of England—the lawyer who laid down that maxim was bound to show that he had some legal means of determining who was a member of the Church of England and who was not. The very mention of the name of Mr. O'Connell seemed to divest the noble Lords opposite of all power of understanding. Did the noble and learned Lord suppose that Mr. O'Connell, for whose great talents and some of whose virtues, as far as he knew him, he had a high respect—[*hear, hear*].—Noble Lords might cheer, but he could not help saying that the manner in which Mr. O'Connell's name was received in that House was calculated to do him very little harm. He still wished the noble and learned Lord to answer the question he had put to him.

The Earl of *Haddington* would not enter, with the noble Baron who had just sat down, into any discussion as to the character, the talents, or the virtues of Mr. O'Connell, nor would he attempt to counteract the effect of those panegyrics which the noble Lord had thought fit to pronounce on the great Agitator of Ireland—the great apostle of the Repeal of the Union; but he felt himself entitled to use the authority of that hon. and learned Gentleman, and also of the hon. Member for Leeds, in support of the Clause which provided that the Church patronage vested in Corporations should be distributed by members of the Church alone. His noble Friend thought the Clause not sufficiently stringent. He was satisfied that it was sufficiently stringent. If an individual, who was notoriously a Dissenter, offered himself, his notoriety would be sufficient to prevent his voting. If he declared that he was a Dissenter, the Clause would prevent his voting. When the Bill was introduced into the other House, it had been charged against his Majesty's Ministers that one of the objects which they had in view was to lower the rate of qualification for voters at the elections for Members of Parliament. Until that night, however, he had not thought that there was any thing to justify the declaration of a right hon. Baronet, that those who were the authors of the Reform Bill would be the first innovators upon it. But his noble Friend had now laid down a principle which he (Lord Haddington) defied his noble Friend to establish with reference to this Bill, and yet not carry it into operation with reference to that much larger measure, the Act for Amending the Representation of the People in Parliament. His noble Friend had asserted that all who paid rates should have votes in the boroughs for members of the Town-council. If that were a just proposition, then the Reform Act was still unjust. Their Lordships had left the qualification of voters as it came from the House of Commons. His noble Friend asserted that the Bill, as it stood, would be of no value. Of what was it that the people complained? That they had no influence in the election of the Magistrates, and that the present system in corporate towns was a system of self-election which ought to be put an end to. Now he would confidently ask their Lordships if the system of self-election in corporate towns was not as completely put an end to by the Bill as it then stood, as it was by the Bill when it was sent up by the House of Commons to their Lordships? All rate-payers were to vote. One-third of the Town-council was to go out every year, so that there would be an annual and a popular election. But his noble Friend said, that although they had left popular election, they had taken away every thing which could render popular election valuable. His noble Friend maintained that the members of the Town-council ought not to be required to possess any qualification; for that those who had a right to vote for the election of others, had a right to be elected themselves. Was that assertion made in England? Was not qualification now necessary by law in many cases? Were not Members of the House of Commons required to be qualified in a particular manner? There was nothing new in the principle of qualification which had been introduced into the Bill; for it was according to the strictest analogy with the qualifications he had alluded to. The Members of the House of Commons were required to possess a certain qualification on this principle—that it was they who were to tax the people, and that it was right that those who were going to put their hands into the pockets of the people, should at the same time put their hands into their own pockets. In like manner it was fit that the people should be assured, when they were electing members of a Town-council by whom they were to be taxed, that they were persons who, when they taxed others, must also tax themselves. This was what the people had a right to expect. In his opinion, the introduction of a qualification was wise, and he hoped the other House would feel no difficulty in acquiescing in it. He would not enter into an examination of all the objections which had been urged against the division of the rate-payers into six classes, and the provision that those only of the highest class should be eligible to be members of the Town-council.—These objections had been removed by what he considered the most valuable Amendment of his noble Friend under him. But then his noble Friend opposite came to the climax of his objections to this part of the alterations which had been made by their Lordships in the Bill. His noble Friend exclaimed, "Don't talk to me about qualification; this is disqualification." But was not all qualification, in that point of view, disqualification? Did it not necessarily exclude persons who were not qualified? But his noble Friend was of opinion that their Lordships had neutralized all the benefits which might otherwise have been derived from the Bill; because a fourth part of the Town-council were to retain their situations for life. But what were the objects of this provision? Stability, peace, the preservation of good feelings. A Town-council entirely and annually elected by the rate-payers and out of the rate-payers, would form a republic so democratical and turbulent, that most injurious consequences must flow from its establishment. The effect of the provision of which his noble Friend complained was, that the rate-payers would be required to elect respectable men for members of the Town-council, who would have a care of their interests, who had a knowledge of the affairs of the town, and who would render themselves permanently useful. It was said that the changes which had been made by their Lordships would annihilate the representative system. That was not the case; but it would establish a system much more analogous to the Constitution of this country than the system which it displaced; it would establish a system bearing relation to a limited monarchy, instead of a system of pure and exclusive democracy.

Lord *Denman* trusted their Lordships would allow him to say a few words on this important question. In the first place he begged to observe, that he had been happy to hear the word "conciliation" drop from a noble Lord; and he hoped their Lordships would keep that word, and the feeling which it described, in view throughout their proceedings upon the subject. It might be considered presumptuous in him, not having had the opportunity to hear or even to read the debates upon the Question, to offer their Lordships any observations upon it. But still he felt it to be his duty to state, as fully and fairly as circumstances would allow him, his opinions on the Bill as it came from the House of Commons, and as it now stood. In the first place, however, he must express his satisfaction that, with whatever angry feelings the issuing of a Commission to inquire into the Municipal Corporations had been originally treated, those feelings had subsided; and it was now generally allowed to be idle to doubt the validity of that Commission. In fact, recollecting that similar Commissions had frequently been issued during the last century, to say, that the Commission in question was invalid, or that it ought to be treated with contempt, appeared to him to be so disrespectful towards the Crown, and so obstructive of all useful inquiries, that he felt happy in the conviction that he only repeated the universal opinion when he said that such sentiments were no longer entertained. He felt happy in this conviction, because he really did think that if encouragement were given to an opposition to such a Commission, the injurious operation that might take place with reference to inquiries that any future Government might find it expedient to institute, would be lamentable and melancholy. The second topic on which he would touch was the character of the Commissioners themselves. And here he must say, that in the situation which he had the honour to hold, and which gave him an opportunity of knowing those Gentlemen, the observations which had been made upon them had given him the greatest pain. Those observations were entirely unfounded. He had the honour of knowing many of those Gentlemen intimately, and others from their practice at the Bar. They had been described as entertaining extreme opinions on political subjects. Such an imputation was more applicable to the noble and learned person by whom it had been made. For that noble and learned Lord he had a great respect; he was indebted to him personally for a long succession of kindnesses; if it was a calumny to declare that that noble and learned Lord had changed his opinions on such subjects, he could only declare that he uttered it with perfect good faith, and that he believed that it was the perfect conviction of all who knew that noble and learned Lord. He did not mean to say anything disparaging to that noble and learned Lord, but he must observe, that it was very hard upon Members of the Bar to be so warmly attacked in a quarter in which they had a right to expect protection and favour. The Commissioners were men of learning, they were men of science, they were men of consistent opinions, they were men of honourable sentiments, who had undertaken the duty intrusted to them for the purpose, and with the determination of performing it honestly, to their King and country; and who, he in conscious believed, had so performed it. He did not wish to trespass longer upon their Lordships, on this part of the subject, or he should be desirous to refer more particularly to some of the individuals of whom the Commission was composed. Many of them he knew to be distinguished by practical good sense; they were men whose favorable opinion, whether in public, or in private, or professionally, every one who was acquainted with them must be proud to possess. He did not know all the gentlemen in question, but he had every reason to believe that a better selection it would have been impossible to make. The only practical objection that had been made to them was the danger that their supposed political opinions would warp their judgments. On their part, he felt justified in repelling the imputation as totally unfounded. He would proceed to say a few words on the course which had been pursued by their Lordships in calling Counsel to the Bar, and afterwards in examining witnesses. He must take the liberty (with the greatest humility) to declare that, in his opinion, it was the most unfortunate precedent that could possibly be set. Where private property was attacked, those who were the possessors of that property were entitled to send Counsel to the Bar in order to defend their rights. But the question here was—was the measure under their Lordships' consideration a Bill of pains and penalties, or a Bill for the improvement and Amendment of important institutions? Convince him that it was the first, and he would stop immediately, and vote for the rejection of the measure. If it were a Bill of pains and penalties, their Lordships' ought not only to reject the Clauses, but to repudiate the principle. If the Report of the Commissioners (minute parts of which had been attacked, although the great body of it remained unassailed) did not justify their Lordships in adopting the Bill as a measure of national improvement, he called upon them at once to throw it out. But it was evident, that the object of the Bill was to improve the condition of the people, by reforming those local Governments which more immediately touched them and their interests. It was not confined to one part of the kingdom; it extended over the whole. It had reference to a state of things so notorious, that even those who did not rely upon the evidence on which the Commissioners founded their Report, still felt it to be their duty to support the Bill. And what was the quality of the evidence heard at their Lordships' Bar for the purpose of weakening the Report? It amounted to an opinion expressed by the Town-Clerks of the several Corporations, that the Commissioners, in their investigations, had paid more attention to those who took one side of the question than to those who took the other side of it. This had been repeated so many times, that much valuable time had been lost, both to their Lordships and to the suitors at their Lordships' Bar. He should like to see the essence of the evidence at their Lordships' Bar. Let it be recollected, too, that it was all *ex-parte*; and although it was on oath, surely *ex-parte* evidence was not enough. Was it possible to suppose for a moment that such evidence as that was a ground on which the House of Lords could proceed to legislate? All that was done was to take particular portions of the Report, and to ask if they were incorrect. But unless their Lordships had called in more witnesses, and had heard the other side of the question, all such examination was utterly worthless. The fact was, and it appeared to him to be clearly demonstrable, that nothing but delay had been the object in view. He would proceed to make one or two observations on the alterations which had been made in the Bill since its entrance into their Lordships' House. And first with respect to the rights of freemen. If the preservation of these rights were consistent with the object of the Bill, they ought to be secured. But he confessed, that he entertained a strong opinion on that point. When the Reform Bill was brought forward, it was his decided opinion, knowing that generally speaking the greatest corruption prevailed among the freemen, that they should be disqualified. And he was persuaded, that retaining the rights of freemen in the Bill under their Lordships' consideration, would be to create a constant source of irritation and animosity, and bad feeling, in every Corporate town in the kingdom. To the alteration in the Bill, with respect to wards, he decidedly objected. If it were ultimately adopted, at least without the introduction of a minimum as to the number of votes, the elections could not be expected to be pure. One alteration for the better had certainly been introduced into the Bill. It deprived any one convicted of bribery of the privilege of voting, or of any other privilege in the Borough. He wished the principle to be extended further; he wished it to be enacted, that any man who accepted a bribe should be subject to similar deprivation in every other borough. With respect to the question of qualification, it had been treated so ably and so fully by his noble Friend, that it was not necessary for him to enter upon it. The only argument in favour of the provision respecting it was founded on its inefficiency and imbecility. Indeed so inefficient and so imbecile was it, that perhaps the friends of the Bill would do well not to reject it, were it not that under any circumstances it was not desirable to establish an evil principle in legislation. And what security was there that the required qualification would actually exist? None but the oaths of the parties themselves. Their Lordships had in various cases seen the danger and difficulty of such a principle. It was one also which would open the door to endless quarrel and litigation. Then as to the change which had been made in the Bill, providing that Aldermen should be elected for life, and that those who were at present in possession of that office should continue during life to retain it. Why it was asserted by the witnesses who had been called to their Lordships' Bar, that there was no discontent among the inhabitants of the various Corporate towns. Now if that were the case, the people, who were of course the best Judges of their own interests, would, if they were satisfied with their existing officers, keep them in at every election. The same was the case with reference to the Town-Clerks. Having stated all these opinions on the alterations which had been made by their Lordships in this Bill, he would go on to say, that after all, if he compared the Bill as it now stood, with the existing law, it would be a great improvement on that law. But when it was considered, that the measure went to create rights, and to establish principles, it was surely desirable, that those rights and principles should be as perfect and as fully acted upon as possible. Their Lordships admitted the principle that, after the first election, all the holders of the offices in question should be liable to quit them. They did not do this on any allegation of particular delinquency, but on the ground of the notoriety of the case; on the universal conviction that in all the Corporate Boroughs of the land it was fit that such a principle should be adopted. Now was it wise, was it prudent on the part of their Lordships—especially looking at all the circumstances of the case, looking at the state of public feeling—having admitted the principle, not to adopt the best means of carrying it into effect, and of rendering it extensively beneficial? Was it not a melancholy thing that the value of a good principle should be thus lost? That the grace of a boon which would otherwise be received by those upon whom it was conferred with thanks, should be sacrificed to a niggardly and distrustful policy? He really should be glad to hear the qualification and other Clauses made more palatable to the general taste. It had been asserted, that they were sacrifices to the extreme party in the other House of Parliament. He believed, that there had been but one division in that other House upon the measure; and that it had been universally admitted in that other House that the principle of the measure was good. He took it for granted, that there would be an endeavour to compromise the matter; and that there would be a meeting of a deputation from each House with respect to it. If so, he hoped that every Gentleman who might be delegated by the House of Commons would be animated with an eager and sincere desire to do justice to their Lordships' motives, and to accede to such propositions as might appear to them to be reasonable. And he implored such of their Lordships as might be appointed to meet the Members of the House of Commons on the subject to cherish a similar spirit; to look at the great objects contemplated by the measure, and to do what they felt they might in justice do, to forward those objects. It was very easy to conceive, that there might be extreme parties on both sides of the question; and that if those parties were to push their differences to the utmost, that a feeling of animosity might be excited against their Lordships, of which he did not believe, that they were at present the object. On the contrary, he believed that they enjoyed the confidence and respect of the great body of the people; although it might be regretted that they had not taken the side of the people on the great popular questions which had for some years been agitated in Parliament. He trusted that all parties would think of nothing but conciliation; he hoped that they would be inspired with a sincere desire to do all the practical good which it was possible to effect. He trusted also, that their Lordships would pardon the perhaps rather strong manner in which he had expressed his wishes—it had arisen simply from the conviction of his own mind, that a course such as that which he had recommended was necessary to the welfare and safety of the State; and that, so feeling, he should have been trifling with their Lordships, if he had not so said.

Lord *Lyndhurst* meant to abstain from entering on any discussion of the principles or details of the measure, having already had full opportunity of delivering his sentiments on these grounds. He felt himself, however, imperiously called on to address some few observations to their Lordships in his justification against the charges which had been preferred against him by his noble and learned Friend (Lord Denman). He was sure that many of those charges would not have been alleged against him by his noble and learned Friend, had he been present during the progress of the measure in that House, because he might appeal to their Lordships whether he had not over and over again stated, that as far as the principles and opinions of the members of the Commission were concerned, he made no matter of complaint against them. God forbid that in this country every man should not be at liberty to entertain, without reproach, those opinions which coincided with, and conformed to his own judgment. He had repeatedly stated that he made no ground of charge against the Commissioners on this head. He had, when alluding to the Commission, taken occasion to say, that with many of its members he was personally acquainted, and the result was, that he could bear his testimony to their being not only men of integrity and honour, but men of learning in their profession. He appealed to their Lordships' recollection, whether he had not made that statement. But he had certainly stated, as a matter of charge against his Majesty's Government, that they had selected, in the formation of that Commission, gentlemen of one class of political opinions, and one class of opinions only. Again, with regard to another part of the accusation which his noble and learned Friend had preferred against him,—he had stated that he had preferred charges against the Commissioners, not arising out of any general circumstances, but for misconduct in the discharge of the duties imposed on them. Now, he begged to say, in answer to that accusation, that he made no charge whatever against the conduct of a single Commissioner, except what was founded on the evidence taken at their Lordships' Bar. He defied any noble Lord, or any individual whatever, to accuse him justly of having thrown out any unfounded charge—of having made any charge which he was not warranted in making, and which it was not his duty to make, as arising out of the evidence taken before their Lordships. They found in the Report of those Commissioners, charges of the most serious nature preferred against individuals and public bodies. Then came to their Lordships' Bar, petitioners complaining of those charges, stating that they had not been guilty of the offences alleged against them — that their conduct was correct, and that they were desirous of being heard in opposition to those allegations which had been made concerning them. How were we, then, to proceed? There was none of the evidence, taken by those Commissioners, laid before us. He called on the noble Viscount (Melbourne) to lay all the evidence upon which the Reports were founded, on the Table of the House. He declined doing so, and it was withheld. Desirous of knowing whether the evidence really supported the charges and the conclusions laid down by the Commissioners, as their Lordships could not obtain that evidence itself, they thought it right to hear those persons who were accused in the face of the country of the gravest and most serious offences. Various witnesses were accordingly examined; they exceeded thirty in number, he believed; their Lordships heard their evidence, and the manner in which it was given, and he asked whether they did not, in every instance, acquit the persons of the charges which were preferred against them? In any statement which he had made with reference to the Commissioners, he had uniformly appealed to the evidence given by the witnesses at their Lordships' Bar; and he should have neglected his duty if he had not pointed out the manner in which the charges, contained in the Report of the Commissioners, were met and overset; although in doing so, he might have indirectly reflected on the conduct of the Commissioners, by whom these charges were made. His noble and learned Friend had alluded to opinions which he stated were formerly entertained by him, as a matter of accusation against him; but his noble and learned Friend had not condescended to adduce a single fact in support of his charge. I have nothing, therefore, (continued the noble and learned Lord) to meet. I do recollect, however, that in the other House of Parliament my noble and learned Friend did, during my absence, bring a charge against me of a somewhat similar nature to that which he has to-night preferred; and (if I can rely on the accuracy of those who report the proceedings of that House) the only fact which he brought forward in confirmation of his statement was, that I supported some of the opinions of Sir Samuel Romilly. I suppose my noble and learned Friend alluded (I cannot assert positively what was his meaning) to my having supported the views of Sir S. Romilly with respect to the amelioration of the criminal code. Now the fact was, I supported some of the attempts which that learned individual made to ameliorate the criminal code—I opposed other attempts of his for the same object. That, however, was the only direct charge which my noble and learned Friend then alleged against me, with reference to the general accusations which he preferred. When a fact is stated, I know how to meet it; when any particular opinion is impugned, I know how to rebut the allegation; but whilst my noble and learned Friend throws his arrows in the dark, I know not what to combat. I have been on terms of intimacy with my noble and learned Friend for a long period; I went the same circuit with him; I have been engaged in conversation with him at different times; and if he speaks of a period of twenty years past, I can only say that I am unable to recall to my recollection the particular opinions which I might have entertained or expressed with reference to political measures; but I can assert, that I never belonged to any party or political society whatever. In the absence of any specific facts, I am driven to the conjecture that my noble and learned Friend alluded to my conduct at the time Lord Sidmouth was at the head of the Government; during that time I had some connexion with some persons in that Government; and my disposition and wish were so far from thwarting (as the noble and learned Lord would seem to imply,) that I was desirous to support the course of that particular Government. I then never embarked in politics; I did not belong to any society or party; and I never wrote a political article on either side of any question which might then have been agitated. This was my conduct until I came into the other House of Parliament, now twenty years ago. From that period my life has been before the public; my course has been direct and straightforward. I have always belonged to the same party, and I have entertained the same opinions from that time to the present. Previously to the time of my entrance into Parliament, what expressions I uttered on individual measures it is impossible for me to state, but I can unhesitatingly aver that I belonged to no party, and that I was attached neither to the Whigs nor to the Tories, nor, as my noble and learned Friend would insinuate, to the Radicals. This is a plain exposition of my political life. My noble and learned Friend, alluding to discussions on measures more than twenty years ago, states no fact—no opinion, or anything in favour of the deductions which he has now drawn. I beg pardon for trespassing on your Lordships' attention for so long a time, in a matter purely personal. I adhere to the intention which I expressed at the outset of my observations, of not going into any discussion of this measure or its details, having heretofore fully availed myself of the opportunities which were presented for that purpose.

Lord *Denman*: If my noble and learned Friend has understood me as having alluded to certain opinions which he has been supposed to entertain, with a view of conveying a calumny against him, I can only say, that it is a calumny which has often been repeated, which I stated, believing it to be true, and which I should now believe to be true, were it not for the assertion of my noble and learned Friend. And really I feel somewhat astonished that when the question is, as to what really were the political sentiments of my noble and learned Friend, he should plead forgetfulness with reference to the opinions he entertained, twenty years ago undoubtedly, but still when he was of the mature age of thirty. Up to the period that he came into Parliament, the universal impression of those who lived on terms of close intimacy with my noble and learned Friend was, that his opinions were (not with reference to any one particular measure on any one occasion) generally and unequivocally what would now be called liberal. Those opinions were not uttered merely in the presence of those who were intimate with him, or in the course of private conversation, but they were avowed rather as if my noble and learned Friend felt a pride in entertaining and avowing them. And I will take the liberty of telling my noble and learned Friend, that though his great talents must have ultimately secured to him the rank which he holds, yet that he undoubtedly owed his first advancement to his devotion to those who entertained the most liberal opinions in politics. With regard to my noble and learned Friend's opinions respecting Lord Sidmouth's Administration, it was the conviction, I venture to say, amongst those who knew him best, that he was favourable to the sentiments of the Opposition of that period. I beg to be understood as standing corrected in that opinion; and I shall only, therefore, remind my noble and learned Friend that stronger proof of his being a Whig, or more than a Whig, could be adduced with respect to himself, than as to those Commissioners against whom my noble and learned Friend has really "scattered his arrows in the dark."

Lord *Lyndhurst*, I don't understand what my noble and learned Friend means by the term "liberal opinions," when he says that I owed my political advancement to those who professed them. Up to the time of my entering Parliament I was engaged in my profession, and I had no object out of it. I received a note from Lord Liverpool, asking me to call on him. I went to him, and was quite surprised when he asked me if I had any objection to enter Parliament. I required some time to consider, and the result was, that I consented and went into Parliament. That was my first embarkation upon the stormy sea of politics—one very uncongenial to my feelings—very foreign to my habits, and on which I am engaged on this occasion purely accidentally.

Lord *Denman:* If I said that my noble and learned Friend owed his advancement in political life to his coinciding with those who entertained liberal opinions, I meant to allude to his professional advancement. My memory, however, deceives me very much if those who encouraged his rising talents and stimulated his early and constant attention to his professional pursuits were not inclined to do so by their impression of his liberal opinions in politics.

Lord *Lyndhurst*: I was never engaged but in one political defence. That was on the trial of Watson. On that occasion Sir Charles Wetherell called on me as a common-law lawyer, and asked me if I would agree to join him in the conduct of that defence. After taking a short time to consider, I answered that I would. Now that is the real history of that transaction.

The Earl of *Radnor* observed that the noble and learned Lord (Lord Lyndhurst) could not say that he had brought no accusation, except what was founded on the evidence taken at their Lordships' Bar, against the Commissioners, for he called them the bought accusers of the Corporations. On what was the Report of these Commissioners to be condemned? On *ex parte* evidence, on which, if the noble and learned Lord was sitting in a Court of Justice, he would not have hanged a cat. Now he would just give two instances of that evidence, with a view to show how loth they should be to attach any weight to them. One of the witnesses from Shrewsbury had stated that the Dissenters were at that school taught the prayer-book of the Established Church, and obliged to go to Church. Now he had received a letter from Dr. Butler, stating there was not the slightest foundation for such an assertion. It had been stated also that the exhibitions were confined to Burgesses. It happened that there were only seven which were confined to Burgesses, and there were nine exhibitions, four scholarships, and one fellowship, which were not confined to Burgesses. A noble Earl opposite had denounced the principle that taxation and representation should be coeval. It was no doubt true that there were some exceptions to that rule; but *exceptio probat regulam*. Certain he was that the inhabitants of the towns would feel it to be a monstrous grievance that they were deprived of their fair and legitimate control over the affairs of the place which they inhabited, and where whatever property they might have was deposited.

Lord *Ashburton* could not help observing that the noble and learned Lord (Lord Denman) had, without having attended to the course of their proceedings, introduced a degree of violence and personality into the debate of that evening, of which, since he had had the honour of a seat in that House, he had seen no example. The noble and learned Lord had directed his attack, not only against nothing which was under discussion that night, but against opinion said to have been entertained twenty years ago, and the ground-work of the attack was that his noble and learned Friend was selected by Lord Liverpool (doubtless with democratic intentions) for a vacancy in Parliament, and that he was associated with that atrocious Radical, Sir Charles Wetherell, in his defence of Watson. He deprecated the practice of recurring to one's early life with a view of charging an inconsistency of opinion. He had himself entered political life with liberal views, but never with extreme ones; and if his opinions had undergone a change of late, it was because he had at the outset of his career much less apprehension of the dangers of democracy than he entertained at present. He always held that the institutions of the country being mixed, and a balance of power maintained, a man might, as Burke explained, and beautifully illustrated, take, under a system of checks and balances, either the side of the Crown or the people, as his feelings of independence and honesty might prompt. Their Lordships would, he contended, have disgraced themselves if they refused that simple act of justice, the hearing witnesses at the Bar, who were not called with reference to the policy of the measure, but in defence of their own rights and privileges. The noble and learned Lord said that when this measure came from the Commons it presented itself in "beautiful simplicity." He would not charge the noble and learned Lord with entertaining extreme opinions; but his assertion respecting this measure, as it came from the Commons, was a stronger proof that he entertained extreme opinions than any which he had brought against his noble and learned Friend. If it were "simplicity," it was a democratic simplicity, and was calculated to establish as levelling a democracy as ever existed, and one which was totally inconsistent with the monarchical or mixed form of Government in this country. Though evils belonged to all systems of Government—monarchy, oligarchy, and democracy—a large share might be assigned to democracy; and the concessions which were made to the latter power under this Bill were absolutely incompatible with any power on the part of the Crown. The measure as amended was not, on the whole, satisfactory to him, and if the House of Commons did not pass it in that shape, he should feel no disappointment. He admitted fully that a cordial co-operation with that House was desirable, and to attain it he should be willing to make considerable sacrifices; but in reference to the present measure he should not be grieved if they were not to accept it; and if thus the formation of a complete municipal constitution for the country—a matter which was one of the greatest importance that Parliament could enter into—were put off for another year. The proposition which ought to be made to Parliament for that purpose should be far more complete and better considered than that which had been submitted to it. The establishment of new Corporations was a subject which ought to be legislated upon with more precision than the Bill had proposed; the power, indeed, which it was to give to the Crown to create them at its own discretion was a monstrous one. Moreover, it should be borne in mind that the present Bill in no manner touched the Corporation of London, which possessed more exclusive privileges of an objectionable nature than any of the Corporations of small towns which were affected by it. The Bill allowed the greater nuisance—for nuisance it really was—to remain, either because its promoters were afraid to touch that Corporation, or because they had been obliged to bring forward their measure crude and undigested, in their eager hurry to propound some plan of so-called Reform, for the purpose of keeping the movement alive. For his own part he wished to express his thanks to his noble and learned Friend (Lord Lyndhurst) for the pains which he had been at to amend the Bill, and render it somewhat safer in its character; and he certainly did think that to the alterations which he had introduced no objection could be made by any one desirous of seeing the Municipal Institutions of the country established and preserved upon a popular basis. Popular election was the root of the system contained in the amended Bill in every point, with the exception of the qualification. The self-elected Corporations were to cease their existence as soon as a few individuals should die off—a condition founded no less in wisdom than in justice to those individuals against whom as a body, be it remembered, no ground of delinquency had been established.

Lord *Brougham* would not have risen but for some of the observations of his noble Friend who had just sat down. His noble and learned Friend then upon the Woolsack (Lord Denman) had been brought into some little conflict with another noble and learned Friend of his (Lord Lyndhurst), in consequence of some misunderstanding. In that conflict he (Lord Brougham) should have deemed it improper, as it would have been painful, to interfere, if his noble Friend (Lord Ashburton) who had as little to do with it as he himself, had not thought fit to dash in where he had been afraid to tread. His noble and learned Friend on the Woolsack had been charged by his noble Friend with having introduced personality into the discussion, as if he had volunteered a gratuitous attack on his noble and learned Friend opposite. His noble and learned Friend on the Woolsack seemed to him to have had one purpose, and one only, in view: he had learned, that in his absence a denial of a very peremptory nature had been given to certain statements of facts, having reference to some supposed opinions of his noble and learned Friend opposite at a previous period, and that those statements had been declared to be a calumny, that is to say, not only injurious but false. His noble and learned Friend upon the Woolsack had therefore said, acting not upon the offensive but entirely upon the defensive, that he had made those statements believing them, in his conscience, to be true; and certainly no man at all acquainted with his noble and learned Friend could doubt for one moment that he would have stated anything as true which he did not believe. His noble Friend opposite (Lord Ashburton) had certainly no right to rush in and interfere; but perhaps he had thought that it might be his turn to be next attacked, as it was called. With reference now to the measure itself, his noble Friend had characterized it as being, in its original state, fraught with the spirit of pure and levelling democracy; but it had, he said, by the changes introduced into it, been rendered somewhat safer. On the first position he was entirely at issue with his noble Friend. He denied that it was a measure of pure and levelling democracy. If universal suffrage, without qualification for the electors or the elected, had been made the groundwork of a new Parliamentary constitution—if the constitution of the Peers had been levelled—if only one House of Parliament, so chosen upon universal suffrage, had been left to remain, then undoubtedly he could have seen and lamented that bugbear which scared and terrified the affrighted, and, as he thought, unsound imagination of his noble Friend. His noble Friend, however, forgot the extreme difference between the case which he fancied and that which was now before the House, namely, the formation of a system for meeting the question of how best to manage the parish vestry business of Municipal Corporations. How the management of the business of actual parish vestries had proceeded upon similar principles to those here proposed, every one well knew. The parish affairs had improved greatly, the amount of money raised had been much reduced; in short, the economy of the parish had been consulted almost beyond the most sanguine expectations of those by whom the system had been framed. Then, secondly, his noble Friend said, that the evils of that pure and levelling democracy had been remedied by the alterations introduced into the Bill. Now if there were one part of the measure approaching more nearly to pure and levelling democracy than another, it was that which allowed suffrage without qualification—beyond, at least, the payment of rates. Again, his noble Friend would say, that the amenders of the Bill had provided checks and securities; and his principal check was one which, he himself admitted, would lose its force from year to year, namely, the retention of the Aldermen during the period of transition, as it was called, from the old to the new constitution. By that worst part of all those bad changes, every one of the Corporations would have in them a body amounting to one-fourth of their number—wholly irremoveable—filled with the old self-elected leaven—and who being tainted with all the habits which the self-electing practice had fixed in them, would perpetuate the worst abuses which had arisen from it in the worst times. The Commissioners were accused of having brought charges against Corporations and individuals connected with them. They had never charged Corporations or Corporators—neither man nor thing, without calling upon the persons concerned to come forward, and allowing them to hear and examine the witnesses from whom the allegation proceeded. Would any noble Lord rise in his place, and give him the name of any Corporation or Corporator in whose case an accusation had been made, without all the parties affected by it being allowed to be present? That was a large defiance.

Lord *Lyndhurst* rose to reply to the challenge of the noble and learned Lord. He begged to instance the case of Sutton Colefield. The Commissioners received evidence against the Corporation, but when the deputy stewards appeared and offered their evidence, which they did without giving notice, it was refused.

The Duke of *Wellington* said, that an

inquiry took place into the cinque ports, and he was inculpated and charged; he was in the country at the time, and was not called on to answer the charges made.

The Earl of *Falmouth* said, before he made the observation he had to offer to their Lordships, he begged to ask the noble and learned Lord whether, in the challenge he gave, he confined himself merely to those cases in which evidence was given at the Bar?

Lord *Brougham:* To be sure; I know of no others.

The Earl of *Falmouth* had been about to say, that he was accused in the case of Truro, and received no notice of the proceedings of the Commissioners. He was prepared to put questions to the witnesses, who came to London with a view to answer the charges that had been made; but that case was not gone into.

Lord *Brougham* thought he might answer the three noble Lords in one. The noble Duke described himself as charged and accused, but he saw nothing in the Report which made a charge against the noble Duke, and the Commissioners would no doubt be much more surprised than he was when they heard of the noble Duke's statement. Was not the noble Duke aware that such an inquiry was about to take place? It was no very private affair. The inquiries were not carried on in a corner with closed doors; no one was prevented from appearing. [The Duke of *Wellington* never heard of it.] The terms of his defiance were to call on the noble Lords to show, if possible, that at any place any person or corporation was charged without being allowed to be present when the charge was made, or witnesses examined. The population was thirteen or fourteen millions, and did the noble Lords mean to say that there was to be personal notice in every case? Noble Lords knew that he had been accustomed to this sort of interruption in the House of Commons for many years. They might go on till five o'clock in the morning if they pleased. He knew what it was to address a mob—he had done it in all parts of the country. He had addressed various mobs. He hoped and trusted he should continue to address mobs hereafter as heretofore. He thought it was the duty of a public man to meet his fellow-citizens, and he had no objection to meet a mob either in Parliament or out of Parliament. This, however, he must say, that the most irregular of the assemblies he had addressed were not of that kind, the name of which consisted of three letters, and which were to be found out of Parliament; for he had met more, and addressed more irregular, intolerant, unlistening, bad-hearing, confident, erroneous, easily carried away, easily caught, easily entrapped by a temporary statement, and led astray by a fleeting notion that it would serve their purpose—he had met more and addressed more mobs of this description during the last four years than he had ever met or addressed out of a House of Parliament. Now, perhaps, the noble Lords would allow him to go on. Very possibly the noble Duke did not receive notice of the meetings of the Commissioners; but would the noble Duke show him that their arguments were ever conducted with closed doors, or that permission was ever refused to any person to be present. The noble Lord opposite had expressed a wish that the House of Commons should meet the majority in this House half way; but he feared the noble Lord really meant that the House of Commons should meet their Lordships the whole way—that they should concede everything—that they should come and bow down before them. The noble Lord said, if the House of Commons were but half as well disposed to concede and conciliate as their Lordships were, then the happiest results might be expected. Whether the happy result the noble Lord anticipated would be the consequence of his conditions being fulfilled, might admit of a question; but if the degree of concession and conciliation exhibited by their Lordships in the last fortnight or three weeks towards the House of Commons, and the favourite measure of the people was what was to be halved by the other House, it would not be very easy for that House to meet their Lordships in the course they had taken. Any line of conduct more extraordinary to panegyrise had never come under his observation. That in certain quarters of this House there should be great delight that this Bill had met with undivided, unmitigated hostility to its principle, and that it had been ruined by the alterations which their Lordships had made in it, he could understand; but the ground taken by the noble Lord opposite was not that—he talked of conciliation, of a wish that their Lordships should be met half way by the House of Commons, as if they had themselves made some great sacrifices for the purpose of conciliation. Now he wished to know how they could have done less in that respect than they had done?—he wished to know how they could have taken any course which would have retained less of the Bill, or would have made more changes in the Bill, and which would not have had the same effect as if they had altogether thrown it out? They had adopted the elective franchise, but that was the whole; and if they had not, they should have thrown it out on the second reading, which, as it was, he contended would have been the more intelligible, as it would have been the more manly course. The noble Lord had professed a wish to consult the interests of certain classes of the people. Yes, but what classes? The people who were with him—the corporation classes. That was what was meant. One noble Lord described the House as composed of the hereditary tribunes of the poor. He had heard it called a grasping and usurping and encroaching oligarchy, but that it was an hereditary tribune of the people, and the poor he never, in the wildest dreams of any man's fancy, had heard it called. No doubt their Lordships stood out for the rights of their fellow-citizens; for the rights of their fellow-mayors, of their fellow-town-clerks, and of their fellow-recorders, they would stand out. The interests of these people their Lordships would stand by as if they were their own. The noble Lord had declared the readiness of their Lordships to correct abuses directly they discovered them, and no doubt this was true; but unfortunately there was this great difference between the vision of their Lordships' and that of the House of Commons—the one was nearly as blind as the mole, and the other as sharp-eyed as the eagle. Their Lordships could see no danger till it struck the very ball of their eye, while the more prudent Reformer cast his eye abroad and met the coming storm with timely and effective reforms. Their Lordships said, that they gave reform to England and Ireland, and what harvest did it bring? In the seed-time there were new discontents, and new demands for change. Let them reform in time and they would have no seed-time to dread. Their great mistake was, that they would not put their sickle in the harvest in the proper season, but allowed it to fall and rot upon the ground, after which it was of course in vain that they attempted to garner it up to any purpose of supply to a reasonable demand. Their error was that they would not reform till it was too late; they would not do good till they were compelled by necessity to do it; they would do nothing voluntarily—nothing with the grace of concession. What they did they deferred till all the grace which would have attached to it was lost. Their reform came not only too late to satisfy the people, but owing to the manner in which it was conferred made them perhaps despised rather than beloved. This was a most mistaken policy; for their Lordships would have found that by timely concessions they might have given less, but more would be demanded when they refused to give in time that which was just. There was no greater folly, he might say insanity, than delaying that which they knew they could not postpone except for a while. Their Lordships, no doubt, did not like to be admonished and warned; if they were warned, they complained that they were admonished; therefore he would neither admonish nor warn them; but he would say what he considered it most expedient that they should do. He knew that they would despise and scoff at his opinion, and tell him that it was ridiculous for him to utter it; they would tell him so, by means of the majority which gave them such great support, and which so intoxicated them with confidence that it made them deaf and blind to all that was passing in every corner of the world. Nevertheless, he would give it to them as his opinion that they would find it more expedient to give up the qualification of the sixth—that having excited universal distrust and aversion. He would ask them to give up that qualification, and the substance as well as the appearance of continuing the Aldermen and continuing the Town-clerks. Or if the continuing of the Aldermen was limited to one year, hateful as it would be to the country, and odious in itself, he thought the people might, after deliberate reflection, reconcile their minds to it. But to keep the Clause as it stood, continuing the Aldermen for life of the old Corporations would be to impregnate the whole with the worst taint of the worst provisions of the rotten system, and would be so great an outrage on the people as to excite the deepest disgust, and place the fate of this Bill in the other House of Parliament in worse than jeopardy. That the other House would deliberate and respectfully consider this measure as sent down to them by their Lordships he believed, but its rejection appeared to him to be inevitable; and his only hope was, that a conference would be holden between their Lordships and the Commons in which both parties might each be induced to give up somewhat of their peculiar views and to avoid the danger which he apprehended from any other course.

The Earl of *Winchilsea* complained of the noble and learned Lord, that he had used language in speaking of their Lordships which was of a most unjustifiable character. He could not sit still under such imputations. The noble and learned Lord had debased not only their official characters as Members of this House, but also their characters in other capacities. The noble and learned Lord had done every thing he could to degrade their Lordships, and he had said that in the House which he would not have dared to say out of it.

The Marquess of *Clanricarde* rose to order. He hoped his doing so would give the noble Earl time to recollect himself. He was sure the noble Earl did feel for the character of the House, and the noble Earl must be aware that the words he had uttered could not tend to maintain its character. The noble Earl had charged the noble and learned Lord with having done all in his power to degrade the House. Under these circumstances he felt it to be his duty to move that the order of their Lordships, which related to the use of personal expressions in the course of their debates, be read at the Table by the Clerk. He must say that if this language was to be held in this House there would soon be an end to all argument, and to all legislative and rational proceedings. He moved that the 15th standing order be read.

[The order was read accordingly by the Clerk. It declared that noble Lords should remark on the arguments used in debate, and should not extend their observations to the expressions of Members; and it prohibited all remarks of a personal, insulting, or offensive description.]

Lord *Brougham* observed, that it was evident that the noble Earl laboured under a misapprehension as to what had fallen from him. The noble Earl laboured under strong excitement, and had made use of language which he was sure the noble Earl, on reflection, would regret. [" *No, no !*"] Then he was not at liberty to take the language of the noble Earl in good part as he had done. He had observed the noble Earl to laugh at him, when he stated that he had misapprehended what had fallen from him. The expressions made use of he would not say were the most offensive that he had ever heard in Parliament, but certainly they were the strongest terms that he had ever heard used in either House of Parliament. He had not taken offence at what had fallen from the noble Earl, because he knew that the noble Earl spoke whilst labouring under strong feelings of excitement, and had utterly and entirely misunderstood the motives which had actuated him (Lord Brougham) in what he had recently addressed to the House. " As to saying that I"—so concluded his Lordship—" that I utter things in this House that I would not utter out of it—[oh !]—I would not take the trouble of answering it."

The Earl of *Winchilsea* admitted that he had risen under excitement. He could not sit and hear their Lordships' House compared to a mob, and charged with being influenced by sordid or interested motives, without repelling an accusation which, if true, would entitle their House to the contempt of the world. If this accusation were deserved, they were indeed arrived at an awful and momentous crisis; the question was, therefore, one which he wished to see brought to a calm and, he hoped, a favourable issue. This he did maintain, and with that he would take leave of this matter, that, whether this great constituency were to fall or not, there was that within the subtle speech which they had just heard from the noble and learned Lord opposite which was calculated to awaken the worst passions in the public mind, with respect to a legislative body which, he maintained, was still entitled to and did enjoy, the esteem and respect of a large and influential majority of the community. As he believed it was understood that no discussion was to take place on the third reading of this Bill, he should take the present opportunity of declaring the strong opposition which he entertained against this measure. The noble and learned Lord opposite had advocated the constitutional principle of this Bill, but he (the Earl of Winchilsea) had consulted several legal authorities, of equal eminence with the noble and learned Lord, and they were all of opinion that the leading principles and features of this Bill were the most unconstitutional that had ever been entertained by Parliament. He had already declared, and he now repeated it, that he was not inimical to Municipal Reform; on the contrary he was prepared to give his cordial support to any Bill for the purpose which might be framed upon a constitutional basis. He thought, for instance, that the extension of certain privileges which were now enjoyed by a few might be beneficial, and also that a new and improved arrangement of corporate property might, in many instances, be adopted. But whilst he would do all this, he would not permit the rights of freemen, as they descended to them by virtue of the bequests of the original donors of the corporate estates, to be in any way estranged from them; and it was because he viewed the present Bill as a direct attempt to infringe those rights of property, that he was determined to give it his most strenuous opposition. He could not but object also to the whole course of operation by which this measure had been brought before them. This Bill originated in a Commission of Inquiry instituted, not by the Parliament of the nation, but by the Crown; and he questioned very much whether, having due regard to the rights and interests of the country, that House could permit itself in any way to establish a precedent of the sort, giving the Crown a right to establish proceedings of an inquisitorial nature in respect to any portion of the property of the country. Having protested against this precedent, and stated his objections to the Bill now before them, he had only to add, that he should certainly divide the House, though he stood alone, upon the question for the third reading.

The Report was received.

Viscount *Melbourne* said, that as it did not appear that there would be any necessity for further debate on the Amendment he intended to propose, he would at once proceed to make it, without any observations. If, however, any serious objections were made to the proposition he intended to make, he should feel it necessary to trouble the House with some observations. Before he made his Motion, he hoped he might be excused for expressing his regret at some of the language that had been used in the course of the evening, and the tone that had prevailed in a part of the debate. He was far from wishing to do anything calculated to exasperate the public feeling, or to do anything to prevent the Bill, as it went from their Lordships' House, from receiving elsewhere the fullest and calmest consideration; at the same time, when he referred to the strong language used in the course of the debate, he felt that it was but a piece of justice to his noble and learned Friend to say, that he had heard nothing in his speech which could justify the strong language used by the noble Earl. He did not hear his noble and learned Friend impute any sordid motive to any of their Lordships; and the word "mob," which he had used in the course of his speech had been applied in a similar way before, and he was sure that the noble Earl was aware that when his noble and learned Friend used it he had been interrupted. He could quote authorities to prove that the term had been used as applicable to any assembly, whether composed of peers or other men—for the former were actuated by the same views, and influenced by the same motives as other men. He recollected that the celebrated Lord Chesterfield, in one of his letters to his son, alluding to the success of one of his great speeches in that House, which, after attributing it wholly to the beauty of the composition, and to the grace of the delivery, proceeded to say, that any popular assembly was a mob—like a mob was touched, and like a mob would be moved or actuated. Therefore his noble and learned Friend was not singular in the use of the term; and when he said that the same views and principles applied to them as to others, he could not be strongly condemned. He would not pursue the subject further, but he trusted that all strong and excited feelings would pass away, and that they would proceed with the further consideration of the subject with that coolness which its nature required. He had intended to move the omission of the second clause of the Bill, relating to the permanence of the rights of freemen, but he should not do so, as he found that it could be done in the third reading. He thought it better to proceed to that part of the Bill which required most attention. He meant the greatest innovation that had been introduced in the principle of the Bill—that which had produced the greatest alarm throughout the country, and which had tainted and affected the whole of that new constituency which this Bill proposed to introduce into boroughs —he meant that which made Aldermen for life, and that the Aldermen next chosen were to be those who were now members of the old Corporations. The 6th clause enacts this, he should, therefore, move the omission of the word Aldermen in it, and those words referring to their appointment for life. A similar omission must be made in the 25th and 26th clauses, and he should also move the omission of the 27th clause, which related to the same subject, and which enacted that the first body of Aldermen must consist of the present members of the Corporation. Upon the whole question he thought their Lordships had already heard sufficient discussion on what they had to decide, he, therefore, thought it unnecessary to address any further observations to them.

Their Lordships divided on the question that the word "Aldermen" remain in the 6th Clause: Contents present 103, Proxies 57—160: Not Contents present 46, Proxies 43—89: Majority 71.

List of the NOT-CONTENTS,

Peers Present.

DUKES.
Grafton
Richmond
MARQUESSES.
Lansdowne
Queensbury
Headfort
Westminster
Conyngham
Breadalbane
Clanricarde
EARL.
Lichfield
BARONS.
Melbourne
Auckland
Glenelg
Duncannon
Holland
Radnor
Minto
Hatherton
Howard of Effingham
Barham
Cloncurry
Albemarle
Segrave
Strafford
Ducie
Say and Sele
Thanet
Lilford
Dunally
Plunket
Brougham and Vaux
Templemore
Torrington
Mostyn
Poltimore
Ripon
Denman
Leitrim
Scarborough
Foley
Charlemont
Gardner
BISHOPS.
Chichester.
Limerick
Hereford
Bristol

Paired Off,

DUKE.
Norfolk
MARQUESSES.
Winchester
Tavistock
EARLS.
Roseberry
Morley
Essex
Suffolk
Burlington
Errol
BARONS.
Belhaven
Dunmore
Dinorben
Dundas
Craven
Howden
Suffield
Egremont
Sherborne
Seaford

Proxies.

DUKES.
Sussex
Bedford
Devonshire
Sutherland
Cleveland
Leinster
Argyll
MARQUESSES.
Anglesey
Wellesley
EARLS.
Shrewsbury
Mulgrave
Shannon
Fitzwilliam
Oxford
Grey
Ranfurley
Huntingdon
Granville
Chichester
Derby
Carlisle
Cork
Gosford
Fingall
Durham
Camperdown
Ludlow
Burlington
Nelson
VISCOUNTS.
Lake
Clifden
BARONS.
Godolphin
Dacre
Stourton
King
Yarborough
Arundel
Lyttelton
Dormer
Lynedoch
Western
Glenlyon
Kinnaird
Falkland
BISHOP.
Norwich

The Amendment rejected, as were the several other Amendments mentioned and proposed by Viscount Melbourne.

Some verbal Amendments were agreed to.

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HOUSE OF COMMONS,

Thursday, August 27, 1835.

MINUTES.] Bills. Read a third time:—Glass Duties'.—Read a second time:—Oaths' Abolition.

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HOUSE OF LORDS,

Friday, August 28, 1835.

MINUTES.] Bills. Read a third time:—Hereditary Revenue (Scotland); Tonnage Admeasurement; Court of Exchequer (Scotland); Dominica Relief.—Read a second time:—Reform Act (Scotland) Amendment; Small Debts (Scotland); Glass Duties.

Petitions presented. By the Marquess of BREADALBANE, from three Places, in favour of the Scotch Church; from the Farmers of Fife and East Lothian, against the Game Laws; from Belfrons, in favour of the Municipal Corporations' Bill.—By the Earl of ALBEMARLE, from Shrophamfor Amending the Poor-Law Amendment Act.

COUNSEL FOR PRISONERS—OFFENCES AGAINST THE PERSON — LETTER STEALING — SACRILEGE.] Lord *Denman* wished to refer to three Bills which had been brought up from the Commons some time since. The first of these had for its object the giving of persons indicted for felony the power of making a full defence to the jury by counsel. He had not had an opportunity of stating what he thought of the Bill, when it was referred to the

Committee, who had given it their utmost attention. The evidence upon the Bill had not yet been printed, or else had only just been printed, but not delivered. It was, therefore, quite impossible that the Bill could be proceeded with during the present session. It would be more correct, however, to fix a day for the second reading, and it was his intention to move that it should be read a second time that day six months. In the meantime the attention of their Lordships might be beneficially directed to the Bill, as all of them would then become acquainted with the nature of its provisions, and with the evidence for and against it. The Bill contained some provisions to which on no account could he agree. One of them for example was, that a prisoner might require a particular gentleman at the bar to be his counsel, and undertake his defence, and that such gentleman could be compelled by the Court to undertake that office. Such a provision would be most unjust to gentlemen who had entered an expensive profession and depended upon their professional income. The second Bill was for making offences against the person punishable more severely than at present. It was quite clear that that Bill could not pass while the fate of the other was suspended. Besides, there were strong differences of opinion as to the propriety of any new enactment at all. When, therefore, that Bill again came before the House, he should, as in a former instance, move that the consideration of the next stage, be postponed till that day six months. The third Bill to which he alluded was one to take away the capital punishment from the offences of stealing letters, and of sacrilege. To that Bill he believed that no reasonable objection could be made, and he should therefore fix the second reading for Saturday. With respect to the Bill to take away the capital punishment from the offence of sacrilege, he had been asked by a noble Viscount (Melville) whether the Bill was to extend to Scotland; and he had also been asked whether it was to extend to Ireland. He had submitted the matter to the consideration of the Lord Advocate of Scotland, and to the Attorney-General for Ireland, and the Lord Advocate had informed him that the state of the law in Scotland did not require that the proposed act should be extended to it, but the Attorney-General for Ireland thought, most decidedly, that the introduction of such a law into that country would be highly beneficial there. He gave notice, therefore, that he should propose a clause extending the Bill to Ireland.

Lord *Brougham* entirely agreed with what had fallen from his noble and learned Friend. With respect to the Prisoners' Counsel Bill he understood that it had been fully discussed, and evidence taken on it before the Committee, but that the subject had been found to be full of difficulties, not only as to the probable working of the Bill in England, but as to the operation of a law of the same kind in Scotland, where it had long existed. He had introduced the Bill, and had, therefore, a strong feeling in favour of the measure, but he must admit that the weight of evidence against it had pressed strongly on his mind. He had never thought the subject perfectly clear, but he thought so now less than ever. Several witnesses of great professional experience at the Old Bailey had been examined, and their testimony was generally against the Bill. Mr. Phillips, for instance, had given strong evidence against it, than whom a man more in favour of the liberty of the subject was not to be found; so that his evidence against the Bill went far. Then there was his noble Friend, the noble Earl behind him (Earl Radnor), a recorder and a magistrate, whose love of liberal principles were too well known to be doubted. There were, however, other gentlemen whose evidence was of importance upon the other side of the question. It was right that their Lordships should be fully acquainted with this conflicting testimony, and under these circumstances he felt that he should not be discharging his duty if he pressed the measure through this session.

The Earl of *Harrowby* wished to make one observation on a remark which had fallen from the noble and learned Lord on the Woolsack, with respect to the Bill to take away the capital punishment from the offences of stealing letters and of sacrilege. His observations would not be directed against the Bill, for as he felt at present he was inclined to support it; but what he meant to observe upon was, the remark as to extending the Bill to Ireland. He wished to ask what means any of their Lordships could have of forming a judgment upon that part of the proposition? The Bill had come up to their Lordships without the word, "Ireland." When they went to extend it to Ireland they must go on the statement that in the opinion of the Law-Officers of the Crown in that country, the Bill should be extended to Ireland. A more striking instance of the inconvenience of bringing up

Bills at this period of the year could not be given. Whether they were or were not to include seven millions of people within the operations of the Bill, was to depend solely on the privately expressed opinion of the Attorney-General for Ireland. That opinion had never been stated in the House of Commons, and had never been heard of till now, and yet on that dictum of the learned Gentleman their Lordships were now called on to legislate. He mentioned the matter that their Lordships might see to what a state they were reduced by this practice increasing from year to year of bringing up Bills from the other House at the end of the session. He thought that the practice should be put an end to.

Lord *Denman* said that the noble Earl was mistaken in supposing that this Bill had only just been brought up, at the end of the session to their Lordships' House. The Bill had been upon their Lordships' Table during the last two or three months. He should have brought it under their notice earlier, but he expected that it would have been done by a noble Viscount, who usually took charge of Bills of this description. It had, however, escaped the noble Viscount's attention, and he took this, the earliest opportunity, of noticing the subject. With regard to what he had said as to the opinion of the Attorney-General of Ireland, he begged to observe that he had not taken that learned Gentleman's opinion as to whether it was proper that the Bill should pass. He had thought the principle of the Bill right, and believing that what was a right principle of legislation for England would be so for Ireland, he had merely asked the hon. and learned Gentleman whether the state of the law in Ireland was such that the introduction of a measure of this kind was required in that country. He had taken that opinion as he did not pretend to be conversant with the whole law and practice of the courts in Ireland. He had not stated the hon. and learned Gentleman's opinion as an authority in favour of the Bill itself, and he did not think that he had laid himself open to censure, as he should have done had he done more than consult the hon. and learned Gentleman as to the state of the law in that country.

Lord *Cloncurry* said, that the Irish people would have great reason to complain if a Bill found to be good for England was not extended to Ireland. They ought to legislate for both countries alike; and the Irish had reason to complain when Ireland was made an exception to that rule at the time that a beneficial measure was passed for this country. A late decision of their Lordships had shown that the true interests of Ireland were not much attended to. Nothing had shocked him so much as their late rejection of the Irish Constabulary Bill. The mode in which the constabulary force was managed, had converted into a partisan force that body on which the peace of the country depended. The rejection of the Bill had been the mere act of a party in that House, with the view to injure the present Ministry; for a measure of the kind had been recommended by every Government that had existed in Ireland for some years past.

The Earl of *Limerick* said, that, among the extraordinary things which all of them had lately heard, the most extraordinary was that which the noble Lord had just stated—namely, that the Constabulary Bill had been made an engine for party purposes. He denied the statement altogether. In the debate upon the Bill, every one had agreed on the efficiency of the force, and on its having done effective service in Ireland, where its exertions to preserve the peace of the country were fully relied on.

The Duke of *Wellington* wished to say one word on the subject. The noble Baron opposite had stated that the question decided on a preceding night had been decided on party motives. This imputation of motives was quite out of order. The noble Lord should have abstained from it; and he positively declared (laying his hand on his breast), that he for one had not given his vote upon any such ground.

CORPORATION REFORM.] Viscount Melbourne moved the third reading of the Municipal Corporations' Bill.

The Earl of *Winchilsea* would not make any observations upon the Measure; but to record his opinion against any measure of this kind, he should take the sense of the House on the Motion that the Bill be read a third time that day six months.

The House divided on the original Motion: Contents 69; Not-Contents 5; Majority 64.

[It was stated that the Ministers and their supporters did not vote on either side, but retired to the foot of the Throne; and thus abstained from expressing any opinion on the Bill in its present state.]

Bill read a third time, and passed. To be sent to the Commons, and their concurrence requested in the Amendments.

List of the Not-Contents.

Winchilsea	Roden
Boston	Falmouth
Kenyon	

On this stage of the Bill, the following Protests against the Bill were entered:—

Dissentient,—

1. Because we view with the deepest jealousy and alarm the unconstitutional power which, by the advice of the Ministers, has been claimed by the Crown (and which has never before been conceded to it) of issuing a commission of an inquisitorial character, such as that which stamps the commission on which this Bill has been founded.

2. Because, as the constitution of this country consists of King, Lords, and Commons, we will maintain inviolate that sound constitutional doctrine (regarding its maintenance as the best security for our national rights, privileges, and liberties), that no commission conveying such powers as are contained in that now referred to can properly proceed from any one power of the State, but should rest on no less authority than the concurrence and approbation of the other two remaining branches of the Legislature.

Winchilsea.

Dissentient—1. Because the Amendments to the Bill alter its whole structure, are altogether inconsistent with its principles, and while they impair its efficiency to any good purpose, present it to the view of the country in a light still more unfavourable than even the Measure thus altered may in itself deserve to be regarded.

2. Because the alleged preservation of the rights of freemen within the corporation is founded upon an entire misapprehension of the nature of corporations, and of the title by which they hold property—it being a principle wholly undeniable, that whatever property is held by any corporate body, it belongs to that body, under whatever form and with whatever modifications the Legislature may be pleased to impress upon it, and that all corporations, as well ecclesiastical as lay, only have a title to the property which they possess upon the ground of the corporation continuing identically the same after its formation has been changed by law.

3. Because the continuing of the Parliamentary franchise to the freemen, or those who would have been entitled to become freemen but for this Bill, is a perpetuation of the very worst evils of the representative system, the freemen being the class of voters among whom all the evils of bribery and corruption have been in all cases found most extensively to prevail.

4. Because the qualification adopted of the sixth part of the rate-payers—those who pay the largest amount of rates—is contrary to the whole principles of our free constitution; establishing for the first time as a rule, that the political rights and privileges of the state shall belong only to those who have more money than their fellow citizens, not affixing, as our order-laws have done, a certain amount of wealth as the test of the right to mingle in public affairs, but excluding all therefrom except the richest class; so that not merely rich persons, or persons in easy circumstances, are henceforth to be deemed eligible to office, but the richest; the persons who excel their fellow-citizens in wealth are declared to be alone capable of administering the municipal concerns,—a principle absurd in itself, and oppressive and fraught with the mischiefs of oligarchy in its worst and most offensive form—the oligarchy of mere property without any other qualification or modification whatever.

5. Because the introduction of this novel and pernicious principle is rendered still more absurd by the alternative which is added, allowing any person, in some boroughs, of 1,000*l*., in others of 500*l*. worth of property, to be eligible, inasmuch as this wholly defeats the only purpose for which the new principle objected to is adopted. So that the provision, taken altogether, is wholly inoperative to prevent fraudulent and fictitious qualifications, the sole ground of intruding the new principle, while it sanctions for the first time a doctrine altogether inconsistent with the spirit of all our institutions.

6. Because the election of aldermen for life is the fruitful source of manifold inconveniences and abuses, removing the persons chosen from all salutary control, forcing them into a class set apart from their fellow-citizens, to whom they are wholly unaccountable, sowing the seeds of constant dissension and jealousy between the different classes of councilmen, perpetuating the power of men whom unfitness not originally discovered, incapacity supervening old age, infirmity of any kind, may render wholly or partially unable to discharge the duties of their office.

7. Because the continuance of the existing aldermen or capital burgesses and town-clerks is the certain introduction into the new councils of the worst evils of the old close and self-elective system—making it inevitable that the same kind of influence should continue to prevail in the corporations affected to be reformed, and wholly preventing the change which this Measure professes to effect from producing any substantial benefit in purifying the administration of municipal concerns.

8. Because these alterations of the Bill, and more especially the last, have a direct tendency to exhibit this Measure to our countrymen as a mere mockery, or pretence of reform, as holding out in words the promise of improvement, which it at the same time breaks.

9. Because the converting an office granted during pleasure into an office for life, without the consent of the grantor, is contrary to all principle, without any precedent, and a much more glaring violation of the rights of parties than any which even the adversaries of the Bill have imputed to its provisions.

10. Because the amendments, and those especially relating to retaining persons in their office, proceed upon a supposition that the councils chosen by the people are less fit to be trusted with the administration of the corporate offices, and more likely to do acts of imprudence and of injustice, than the present bodies, which owe their existence and continuance to self-election.

11. Because the requiring that a councilman shall be a member of the Church of England before he can vote for the presentation to a living is utterly repugnant to the whole spirit, and even to the letter, of the law of England, sanctioning the principle of tests long after these had been abrogated, absurdly assuming that corporators are less fit or less likely honestly to exercise rights of church patronage than private individuals, who are by law subject to no such restrictions, and stigmatizing Dissenters with the hateful imputation of being disposed to violate trusts reposed in them, by appointing unfit persons to perform clerical functions, with the view of fraudulently undermining the Established Church—a conduct of which we in our consciences believe the Dissenters to be utterly incapable.

12. Because we believe that the character of these Amendments is to injure the Measure in all its essential principles, leaving only as much of it as could not have been altered without rejecting the Bill altogether; while we are firmly persuaded that the changes effected are calculated to produce in men's minds an opinion of this House being far more hostile to the fundamental principles of the Measure than it really is; and because we thus hold it to be inevitable that far more harm will be wrought by the changes made in the Bill than good can be gained, even according to the views of those who have propounded them.

Brougham. Denman.
Charlemont. Teynham.
Cloncurry. Breadalbane.
(Except the 2nd Reason).

Church Commission (Scotland).] The Earl of *Aberdeen* called the attention of the House to a subject which, in his judgment, was not second in importance to any that could be submitted to their Lordships' consideration — he meant the Commission recently issued respecting the Church of Scotland. He had some suspicion that the noble Viscount himself was not fully aware of the true nature of the course in which he was engaged, and the consequences likely to ensue from it. He thought, if he could only open the noble Viscount's eyes to the facts of the subject, that there might yet be time to arrest the evils which threatened the character and independence, if not the existence, of the Established Church of Scotland from the nature and constitution of this Commission. His Majesty's Government had issued a Commission of Inquiry into the means and nature of the religious instruction afforded by the Church of Scotland. This Commission originated in consequence of numerous petitions from Scotland for an extension of the means of religious worship in connexion with the Church of that country. Government thought proper to issue a Commission, he presumed, for the purpose of ascertaining whether public assistance ought to be afforded in aid of the private contributions raised in Scotland for the purpose of supplying additional Church accommodation. He foresaw, at an early period, that this Commission, from its nature, could not fail to excite dissatisfaction in Scotland, and the prediction which he had ventured upon this subject was soon accomplished. The Commission of the General Assembly met on the 13th of August, and came to a resolution that the Commission, as at present constituted, was not entitled to the confidence of the Church of Scotland. It came to this resolution on the ground that among the Commissioners were the names of persons decidedly hostile to any connexion between Church and State—persons who were unfriendly to the Church of Scotland, and did not possess that knowledge and experience of the subject necessary for carrying the professed objects of the inquiry fairly into effect. A division took place on this resolution, when there were ninety in favour of it, and three against it; or, more properly speaking, three individuals were for adjourning the consideration of the subject. This was a very strong proceeding on the part of the General Assembly, which was not a political body, and seldom or never meddled in political matters unless its interests were vitally concerned in them. The majority on this occasion was composed of fifty clergymen and forty laymen of various shapes of political opinion. In fact, the resolution was proposed by a Gentleman of the most liberal opinions, and supported by others of the same sentiments as the noble Viscount. The three individuals who objected to the resolution were three Whig attornies, or, as they were called in Scotland, writers to the signet, but no clergyman could be found to support the Amendment. The Assembly proceeded to adopt this course from their knowledge of the Gentlemen composing this Commission, and doubtless their opinion must have been strengthened when they learned the terms of the Commission. In looking at the Members of the Commission, he declared that he had not the least objection to individuals belonging to the same political party as the noble Viscount—far from it, provided they entertained friendly feelings towards the Church of Scotland; he had rather there should be persons of such political sentiments on the Commission. He did not even object to the names of Dissenters among the Commissioners, merely on the ground of their being Dissenters, because he hoped the great body of Dissenters was not hostile to the Church of Scotland; but when he saw persons who were opposed to all religious establishments appointed Commissioners, he thought it a mockery to place such individuals on a Commission to inquire into the expediency of extending the efficiency of the Established Church of Scotland. He was no friend to any Church Establishment except so far as it afforded a security for the maintenance of true religion and the extension of religious knowledge; but for the accomplishment of those objects he looked upon Establishments as highly desirable, and it was his firm conviction that the Church of Scotland had fulfilled them. With respect to the opinions of individuals composing the Commission, he might refer to a book published by one of the Members, which he admitted to be very ably written, and to contain the best arguments in favour of the voluntary system that he had ever seen. This production displayed great moderation of language, but was composed in a spirit of decided hostility to every religious establishment, which the writer endeavoured to show must necessarily be unjust and unchristian. [The Earl of *Minto*: the book was not written against the Church of Scotland.] Be that as it might, persons hostile to any connexion between Church and State, or to any Church Establishment whatsoever, would not, in all probability, be friendly to the Church of Scotland. He believed the majority of the Commissioners to be hostile to the establishment. When he stated his opinion on the subject on a former evening, the noble Viscount appeared impressed with the necessity of giving it further consideration. He understood the noble Viscount to state, that considerable discontent prevailed among the Dissenters, and that they complained of not being adequately represented in the Commission. He thought if the Commission were established to try the merits of the case, as between establishments and the voluntary principle, that the Dissenters ought to be represented, but he always understood the object of the Commission to be limited to the expediency of the required grant, and he must say, however he might still be disposed to admit Dissenters as Members of the Commission, that the admission of avowed enemies of the Church of Scotland in that capacity was an act of gross injustice, and calculated to defeat the object of the Commission. The dissatisfaction arising from the composition of the Commission would be aggravated by a reference to the terms of the document under which the Commissioners were to act. He objected to the numbering of the Members of the Established Church and of Dissenters as directed by the Commission; for if the assistance to be afforded to the Church of Scotland was made to depend on the doctrine of numbers, that was at once an approach to the voluntary principle. The Voluntary Church Association of Scotland, which met in December, adopted a Report, written, he believed, by the author of the book to which he had already referred, in which Report the issuing of the Commission of Public Instruction in Ireland was hailed as the commencement of a happier era, on the ground that the numbering of the Members of the Established Church of that country, with a view to the regulation of the establishment by that, involved a principle which, though it did not quite come up to the doctrines of the association, was notwithstanding a large advance towards them. No doubt the present Commission must be acceptable to the Members of this Association on the same grounds. He also objected to the Commission, because it threatened to interfere with the independence of Presbyterian Church Government. The functions delegated to the Commissioners belonged exclusively to the Church of Scotland itself. It was of the nature and essence of Presbytery that the whole authority of the establishment should be vested in the Body of the Church composed of ministers and lay elders, and not individuals. The King was not the head or visitor of the Church of Scotland, and by law he had no authority in ecclesiastical matters. It was true the presence of his representative in the capacity of chief Civil Magistrate was recognized in the General Assembly; but the Assembly could meet, and did meet, without his intervention. The King could not delegate to these Commissioners an authority to meddle with the discipline and government of the Scotch Church, which he did not himself possess. He also objected to the instructions given to the Commissioners to inquire into the funds of the Established Church and the amount or disposition of tithes or teinds. In Scotland the teinds were entirely private property; some being in the hands of capitularies of teinds (persons in the same situation as lay impropriators in this country), and the greater part being held by landowners who had purchased the tithes of their own land, and had as good a right to them as to the remainder of their estates. The teinds were not the property of the Church of Scotland, which was merely entitled to a competent stipend out of them, to be determined by the Court of Session at Edinburgh. The remainder was private property, and though the amount of teinds might be augmented, it was impossible to appropriate them to the support of an additional church or minister. This species of property was not open to the proposed inquiry. The commission, like another of which their Lordships had lately heard so much, gave very extensive powers on this head; but, whatever might be thought of the legality of the Municipal Corporation Commission, there could be no doubt here, for the King was not even visitor of the Scotch Church, and the whole powers of the Commission were illegal and nugatory. He objected to the appointment of local Commissioners of Inquiry, which was contemplated under the original Commission. If information were all that was really required, it might have been obtained without the appointment of a new Commission, and without the cost of a single farthing, through a Commission, not in existence for building churches in the Highlands, the duties of which Commission had been admirably executed for several years at no expense, with the exception of a small salary to the secretary. It was not with respect to members of the Church of England that the Church of Scotland entertained any apprehensions; on the contrary, to no quarter did she look more confidently for sympathy and support than to the right rev. Bench, and he believed the demand would be responded to. Though himself a member of the Church of Scotland, no one could be more attached to the Established Church of this country, and he felt confident that members of the Church of England looked with like kindly feelings at the establishment in Scotland. He entreated the noble Viscount to consider this important subject without reference to party, and to take such steps as might be deemed most conducive to the welfare of the Church and to the satisfaction of the people of Scotland. He entreated the noble Viscount to reconsider the matter, and if he could not wholly withdraw the Commission, at least to modify and explain its objects and improve the composition of its members. If the noble Viscount would take this course, the Church of Scotland had every disposition to co-operate with the Government in the accomplishment of the objects which it professed to have in view, and the noble Viscount would find that by adopting this recommendation he would avoid much trouble to himself and his Government, and remove a cause of much discontent in Scotland.

Viscount *Melbourne* admitted the great importance of the subject introduced by his noble Friend. His noble Friend seemed to think that he had made some impression on him, and that he was disposed to make concessions in consequence of what fell from his noble Friend on a former evening. Now, his noble Friend's observations always made a considerable impression and had great weight with him; but on the occasion referred to his noble Friend had brought forward the subject without notice, and he was wholly unprepared to discuss it, so that any appearance of yielding or concession was owing to his ignorance of the matter, and to his having placed greater reliance upon his noble Friend's observations than, on further consideration, he found them entitled to. He was aware of the decision of the assembly on this subject—of the dissatisfaction felt by the adherents of the Established Church—and of the discontent of every other religious denomination in Scotland. After universal content and agreement, he did not know whether the next best testimony to the impartiality of a proceeding such as this, was not discoverable in the universal dissatisfaction of all parties, for that feeling showed that the commission was not exclusively or partially constituted. It would be well, in reference to this as to other subjects, if they could find persons to act as Commissioners who stood entirely aloof from prepossession or a suspicion of partiality; but that was absolutely impossible—for if you had an impartial Commission, in other words a Commission composed of persons wholly unacquainted with the subject, you must also have an ignorant Commission, one unacquainted with the subject of inquiry. Failing an impartial Commission, it became necessary to look for truth from the conflict of adverse opinions, and on this principle he maintained that the Commission was fairly composed. The speech of Dr. Macfarlan in the General Assembly corroborated his view of the case. That Gentleman stated Mr. Dick, to whom his noble Friend had alluded, to be a very respectable man, and that his book was the best on his own side of the question. Now, he did not think that the fact of this Gentleman having put forth the doctrines imputed to him temperately, moderately, and in a philosophical tone and manner (for no bitterness or acrimony was charged against his production) should disqualify him from forming one of the Comsion. Besides, he had always found that the best way of mitigating extreme opinions was to employ the parties holding them in the public service, not that he supposed the modification of sentiment to arise from sordid motives, but because he was aware that when such men came to be practically acquainted with business, they saw the unwiseness and inexpediency of extreme measures, and as they were persons of vigorous intellect, they became useful public functionaries. With respect to the other Gentlemen on the Commission, as his noble Friend had not gone into particulars, he should abstain from touching on their individual opinions. On the whole, the Commission appeared to him as fairly constituted as such a body could well be, but it was impossible to satisfy conflicting interests. One party, that of the Church, required that every body on the Commission should be favourable to the required grant. —[The Earl of *Aberdeen:* No: but that they should not be unfavourable to the Church of Scotland.]—Well, he apprehended that was much the same thing; for persons favourable to the Church would be desirous of procuring it the grant. But the other side was equally unreasonable, and required that none should be on the Commission but persons unpledged or hostile to the establishment. The application for a grant of public money originated with the Scotch Church; its friends said there was not sufficient accommodation for its numbers, and its opponents declared that there was more Church room than the present worshippers could fill. Those assertions were made so decidedly by each party, that the Government thought it wise to inquire into the real state of the case before taking any further step. Perhaps the terms of the Commission had been extended somewhat widely in consequence of a subsequent application. His noble Friend said that the Commission was contrary to the fundamental principles of the Scotch Church, and that it assumed powers which the King himself did not possess; but without pretending to have mastered the whole subject, he declared that he could not see how the Commission violated the rights or privileges of the Scotch Establishment. He did not wish to say anything which could be construed into an attack on the fundamental principles, or on the practice of the Presbyterian Church of Scotland; but did the noble Lord mean to say, that if ever any allegations were made respecting the existence of abuses, or respecting the mode of reforming abuses in that Church, it was not in the power of either King or Parliament to inquire into those allegations? If the noble Lord meant to say that, it was a *reductio ad absurdum.* It was a higher pretension than had ever been set up by the advocates of the Roman Catholic Church against the principle of he Reformation. It was exactly the objecton which that Church had urged against the proceedings of the early Reformers. They said, " This cannot be done by the laity—the laity cannot reform the Church—the Church must reform itself." That had been the objection made by the Roman Catholics to all the proceedings of Parliament during the progress of the Reformation. The power of Parliament to inquire into the abuses or alleged abuses existing in the Presbyterian Church of Scotland, extended also to examine into the amount of its property. The teinds were a property which belonged to the Church of Scotland.—[The Earl of Aberdeen—" No, no,"]—Well, that was a complicated question of Scotch law, and he must confess that he did not exactly understand the statement made upon it by the noble Earl. He was, however, inclined to think that it was a property as liable to be inquired into as any other species of property. His noble friend had complained of the power given under this Commission to the persons named in it to appoint others to carry on this inquiry: but he thought that his noble friend would admit that it was impossible that an inquiry of this extent and character should be carried on without assistance. But the main question was this: the Church of Scotland had demanded a grant of public money. If it meant to establish its right to that grant in order to carry on the spiritual instruction of the people of Scotland, had not his Majesty and had not the

State a right to say to the Church, "Show us what your funds are, and let us see whether your property is or is not sufficient for the purposes to which you would apply it?" These were the grounds on which the Commission was issued. The zeal of other parties had taken advantage of the fact of a Commission being issued, and had required that the inquiry should also be directed to other purposes, which might wisely be inquired into; and for that purpose the inquiry had been made as extensive as possible, and the Commission had been constituted as their Lordships now saw it. His noble Friend had said that the powers granted by this Commission were at once illegal and nugatory. They might be nugatory, for they were not compulsory, but he was quite certain that they were not illegal. He likewise must assert that the Commission was constituted properly and impartially. He was concerned to hear that the appointment of this Commission had excited discontent in Scotland, but he was consoled to find that that discontent was not of a party nature, but that it was extensive and universal. It was one of the strongest proofs that could be given of the impartiality with which the Commissioners had been selected, that no party was pleased with them. It often happened that things which commenced in discontent ended better than was expected, whilst things which commenced in universal satisfaction often terminated in general discontent. He hoped that the discreet and prudent manner in which the Commission would be executed would fulfil its objects without producing any of those disagreeable effects which his noble Friend had anticipated.

The Earl of *Haddington* expressed his surprise that his noble Friend should have congratulated himself upon the universal dissatisfaction which the appointment of this Commission had created in Scotland. How far the issuing of a Commission, which on its first appearance had produced universal dissatisfaction, was likely to produce hereafter general content and religious reconciliation, he left to his noble Friend's ingenuity to discover. He would not pretend to decide to what extent the authority of Parliament ought to go in inquiring into the condition of the Presbyterian Church of Scotland. This, however, he would say without fear of contradiction from any person who knew any thing about the Presbyterian religion, that Parliament had no right to interfere with the religion or with the religious polity of the Church of Scotland. He would not pretend to set bounds to the practical omnipotence of Parliament; but this he would say, that no wise and prudent legislator would ever interfere with the Scotch church without great and crying necessity for interference. He complained that the issuing of this Commission had put the Scotch church upon its trial, and had placed its enemies in the situation of its judges. He admitted that when the Scotch clergy came forward to ask a grant of public money, Parliament had a right to enter into the statistics of the question, and to call upon them to show that the funds under their control were not sufficient for the purpose of administering proper spiritual instruction to the laity placed under their superintendence. They stated, and they stated with much truth, that there was in Scotland a great deficiency of places of worship for the members of the established Church. There was no doubt that Parliament had a right to examine into the correctness of that allegation; but Parliament had no right to go further. This Commission, however, went a great deal further, and therefore he was sorry that it had been appointed. It was not only a nugatory, but also an illegal commission; and it was illegal, because under the generality of its wording it was competent for the Commissioners, if they so thought fit, to inquire into matters connected with the Scotch Church, into which no lay person had any right to inquire. Again, there was a just ground of complaint in the manner in which the members appointed to act under the Commission had been selected from Gentlemen who were known to entertain opinions hostile to the Established Church. Besides the hon. Gentleman whose pamphlet the noble Earl had quoted, there was on that Commission a Gentleman who from scruples of conscience, had refused, when appointed to act as a member of the General Assembly, and another, who had written a pamphlet to prove that it was expedient to sever the connexion existing at present between the Church and State. That was the very madness of the day in Scotland, and had taken its rise from the general measure which was passed four years ago, and which had added very largely to the number of seceders from the Established Church. Previously to that measure the number of seceders in the country districts—he was not speaking of the large manufacturing towns—had very much diminished, and religious peace was generally prevalent throughout

Scotland; but since that measure dissent had again reared its head; and from the manner in which this commission was worded, and in which the appointments under it had been filled up, he thought that the return of that religious harmony which prevailed some years ago would be postponed to a very distant day. That Commission would awaken a sleeping lion in Scotland, and so far from leading to future harmony and conciliation would leave their Lordships to seek next year, as they were seeking now, for the best means of restoring religious quiet to that country.

The Earl of *Minto* said, that the chief point which their Lordships had to consider was, as to the objects of the inquiry, and to the manner in which that inquiry should be conducted. He knew from his own knowledge that the majority of the Commissioners were favourable to the continuance of the connexion between Church and State; and he knew them to be gentlemen of such temper, moderation, and prudence, that he was sure no fear need be entertained but the inquiry would be conducted in the most proper and impartial manner. They represented no particular class of opinions or feelings, and he was convinced would conduct the inquiry just as it should be conducted. As to the statement which was made by the noble Earl that the number of Dissenters had increased since the passing of the Reform Bill, he gave it an unqualified contradiction, for he was persuaded that the numbers of persons connected with the Church of Scotland was greater now than it was three years ago.

The Duke of *Buccleuch* objected to granting such extensive powers, as were given by this Commission, to persons who were totally unknown to the Church. As to the Commissioners, he knew nothing of them, with the exception of one for whom he entertained the highest esteem, and in whom personally he could place the greatest confidence. This, however, was only an individual feeling. He still looked upon this Commission with great distrust. If it were not actually illegal, it went as nearly as possible to infringe those Acts of the Legislature which had been confirmed by the oath of the Sovereign, who had sworn to leave inviolate the Scotch Presbyterian Church as settled by law. This Commission had given great dissatisfaction to every class in Scotland. The General Assembly looked upon it with suspicion, because they apprehended that injury would be done by it to the Established Church of Scotland; whilst the Seceders were dissatisfied with it because there were not more persons in the Commission who were for the destruction of that Church altogether.

The Marquess of *Breadalbane* admired the constitutional zeal of the noble Duke; but if the Commission were, as it had been said by a noble Earl opposite, completely nugatory, of course nothing could result from it. The dissatisfaction which had been spoken of was grounded upon the individuals composing the Commission, and yet, after all, only one of these individuals had been pointed out as being opposed to the Established Church. With respect to the rest of them, the only objection was, that some of them were very young men. Perhaps it would have been better if men had been appointed who were older and more experienced; at the same time, he had no doubt that though young, they would give a true and faithful Report of the facts they had to inquire into; for they had only to report on facts; they were not called upon, he supposed, to give any opinion on the subject of their inquiry. He thought, therefore, that all that had been stated against the Commission really amounted to very little.

The Marquess of *Bute* objected to the Commission not on the narrow ground that it was illegal as applied to the Church of Scotland, but that such a Commission was inconsistent with the principle of an Established Church altogether, and, therefore, with the Established Church of Scotland.

The Earl of *Aberdeen* expressed his disappointment at the very little assurance which his noble Friend (Lord Melbourne) had given him as to any alteration being made in the terms of this Commission. Still, however, he did not despair; but trusted the good sense, candour, and good wishes of his noble Friend for the exercise of his authority in so far modifying the Commission, at least in the practical execution of it, as that it should not lead to those consequences which, he could assure his noble Friend, were but too generally apprehended by the people of Scotland would result from it.

Subject dropped.

HOUSE OF COMMONS,

Friday, August 28, 1835.

MINUTES.] Bills. Read a third time:—Registration of Voters' (Ireland); Piers (Ireland); Slave Trade Portugal; Slave Trade Denmark.

Petitions presented. By Sir SAMUEL WHALLEY, from St. Pancrass, against passing the Appropriation Act till the

Municipal Corporations' and the Irish Church Bills be passed; from St. Marylebone, and by Mr. RICHARD PHILIPS, from Kidderminster, in favour of the Municipal Corporations' Bill.—By Mr. CHALMERS, from Montrose, to the same effect.—By Sir SAMUEL WHALLEY, from St. Marylebone, for Remitting the Sentence on the Dorchester Labourers.—By Mr. SINCLAIR, from Bathgate, in favour of the Church of Scotland; from the Provincial Synod of Argyll, against the Glasgow Universities' Bill.—By Mr. WILKS, from Boston, and Mr. STURT, from Derby and Ludlow, for compelling the Lords to pass the Municipal Corporations' Bill—By Mr. HAWES, from the Licensed Victuallers of London and Middlesex, against the Spirit Licences' Bill, for permitting Music and Dancing in Public Houses.

CORPORATION REFORM — PETITION.] Mr. *Strutt* presented a Petition, numerously signed, from Ludlow, calling upon the House to resist the vile and desperate attempt of the Peers to stop Reform, and praying the House not to agree to the Lords' Amendments to the Corporation Reform Bill.

Mr. *Charlton* thought it a great pity that this petition had not the addresses of the persons who sent them to the House attached to them. The charge brought against the House of Lords was most unjustifiable [*cries of* " *Oh.*"] He would repeat, that the conduct of those who had charged the House of Lords with unconstitutional proceedings, was most unjustifiable. What! were a set of pot-house politicians, the tag-rag and bob-tail of the town, to charge the House of Lords with unconstitutional conduct? The House of Lords was of vast importance in counteracting and controlling the democratic tendency of that House, and such an accusation only betrayed the ignorance of the petitioners, and of those who cheered the petition. Was it to be said, that such persons as the petitioners should call upon that House to stop the Supplies? As to the Corporation of Ludlow, and its supposed abuses, he begged to refer the hon. Gentleman to the Report of the Commissioners, who stated, that of late years its conduct had been irreproachable, and that they had not met with any accounts more carefully kept. But he might go farther, and assert, that of late years the Corporation had been influenced by no party motives. He was satisfied that what he had said was participated by—he might almost say—nine-tenths of the respectable population of Ludlow. The same persons had signed their names to the petition three or four times over, and some women were among the subscribers. He believed that this petition was the prototype of many others of the same kind, and that it was not entitled to much attention.

Dr. *Baldwin* thought it right to say, that though he did not object to the conduct of the House of Lords in altering and amending Bills sent to them, he did object to their invasion of the rights of the people, and to their resistance to the restitution of the rights of the people. They had gone to this extent with regard to the Municipal Reform Bill; and so far the conduct of the House of Lords had been unconstitutional. He hoped that the House of Commons would take proper measures to prevent the mutilation of the Corporation Reform Bill.

Mr. *Scarlett* begged to say, in answer to the hon. Member who spoke last, that the offensive parts of the Municipal Corporations' Bill had been carried by a majority of Scotch and Irish Members, and not by a majority of English Members. When that hon. Member talked of an infringement of rights, he (Mr. Scarlett) would ask, when was a more violent attack made upon rights than by this very measure? It amounted to an abolition of all franchises; and were not the franchises of the people the rights of the people? Was it fit, then, to attack the House of Lords for defending the rights and privileges of the people? He contended, that such language ought not to be used.

Mr. *Strutt* could not help thinking that the hon. Member for Ludlow had displayed an unnecessary degree of warmth, especially in complaining of the attack upon the Corporation of Ludlow. Although the hon. Member now appeared as the defender of the Corporation, if report spoke truly, it was not long since he had been its inveterate opponent, and had been most successful in remedying some of its abuses. He could only say, that he had received the petition, accompanied by a letter from a gentleman worthy of credit, and well known to the hon. Member for Ludlow. The petition before the House had 600 signatures.

Mr. *Charlton* said, that by the letter in his possession, he was informed, that one boy had signed the petition four or five times; he was mistaken, he had read the letter in haste, and on referring to it again he found it asserted, that this boy had signed the petition nine times. The letter containing this fact was from the High Bailiff of Ludlow, and he hoped that the hon. Member was satisfied with this authority. The hon. Member had alluded to him (Mr. Charlton) as appearing in a new character; he appeared in the same character he had always sustained, and which he never would abandon while he was a public man. When the Corporation of Ludlow did not act according to its charter, he had neither spared pains nor expense to compel them to adhere to it; he had found the law strong enough without resorting to such a despicable Bill as the Municipal Corporations Bill, as it went from this House to the other. That measure was a mere election manœuvre. As he said before, the law as it existed was strong enough for the remedy of abuses in Corporations, and having returned to their Charter the Corporation of Ludlow had secured the good opinion of the Commissioners.

Mr. *Potter* said, that if he were not much mistaken the hon. Member once belonged to the Birmingham Political Union; he had himself been a Member of it, and he had supposed that the hon. Gentleman was one of its most thorough-going Members. Now that the hon. Member had changed sides, he did not seem more moderate in the opposite direction.

Mr. *Charlton* had not the least objection that his political sentiments should be brought under discussion. He had done what he could to promote a Reform in Parliament; and he believed that he had been a Member of the Birmingham Union; but he had never been a very zealous Member, and had never been present at any of its meetings. Even if he had attended them, what then? He had belonged to it to promote Reform, and not to produce revolution, and to set up a republic in the country, which seemed to be the object of the promoters of the Municipal Reform Bill. The hon. Member who had attacked him was one of the most prominent of the promoters of that measure; it was good for nothing but to produce a revolution, and to establish a republic, and in spite of the hint of the hon. Member, he would do his utmost to resist it.

Mr. *Potter* was not a Republican; he was anxious only for good Government, and he was satisfied that the Municipal Reform Bill would effect that object.

Petition laid on the Table.

Iron Trade.] Mr. Alderman *Thompson* wished to put two questions to the President of the Board of Trade. About six months ago, a memorial had been presented from the iron manufacturers of South Wales, pointing out the serious evils likely to arise to them from the increase of the tariff on iron in the kingdom of Hanover. They would have had no just ground of complaint if the Hanoverian Government had imposed the same duty on iron from all other countries, but such was not the fact; and as he presumed that a representation had been made from this country on the subject, he wished to know whether any answer had been returned, or what means of redress had been adopted? His other question had relation to the same branch of trade; for some years past, the French Government had imposed a discriminating duty, and iron imported by sea paid double the duty of iron imported by land; the clear object being to favour the iron trade of Belgium, and discourage that of England. He wished to know what was the present position of the matter, as it was important that the French Government should act impartially towards all foreign countries.

Mr. *Poulett Thomson* would endeavour to give the hon. Member an answer. As to the first question, as soon as he had received information that the Hanoverian Government had actually carried into effect what it had threatened some years ago, a remonstrance was made by the Board to which he belonged. He had communicated with the Secretary for Foreign Affairs, and the Hanoverian Minister had been informed, that if the discriminating duty were persevered in, Great Britain would feel it necessary to retaliate by means of an Order in Council, which would place the productions of Hanover on the same footing. The Hanoverian Minister left this country immediately afterwards, and the answer of his Government had not yet been received; but he could assure the House that he should feel no hesitation in recommending the course which the Act had placed in the discretion of the Crown. The attempt had been made in this way; the increased duty was laid upon rolled iron, not exactly specifying English iron, but the effect was the same, and the Hanoverian Government had followed the example of America with a slight difference, but clearly bringing the tariff within the terms of a discriminating duty. As to the second question, he regretted much to state that no progress with regard to improving our commercial relations with France had lately been made—certainly not that progress which he (Mr. Poulett Thomson) had had reason to expect would have been made by the French Government. He had had the honour of stating, on a former occasion, that steps had been taken by the French Government to reduce various duties, and a considerable alteration was carried into effect during the Session of 1833-4; the duties on cotton-twist, on tin, and on a number of other small articles, were lowered, and the whole system was to have been consolidated in a Customs' Bill; but he was sorry to add that, in the session of the French Chamber of 1834, no further measures had been adopted. He regretted it extremely, because he was satisfied that hopes had been raised in the minds of the French people, that the commercial relations of the two nations would be extended; and those hopes, for the present, at least, had been disappointed. He trusted, however, that by the arrival of another Session, the question would be in a different and more satisfactory state, and to accomplish this, no effort that could be made by this Government should be wanting. In the meantime, he was bound to say, that he did not think that the trade of Great Britain had materially suffered by the delay; and official returns produced by the French Ministers themselves showed that the smuggler had introduced an immense quantity of goods, which would, with a liberal system, have found their way into the country through the Custom-house in the natural course of trade. The alteration in the duty upon some commodities proved distinctly that it was the interest of France to remove exorbitant imposts, in order to secure a greater revenue. The hon. Member had alluded to the question of discriminatory duties, and, for one, he was not disposed to admit that these duties did not fall within the class of discriminatory duties, giving a preference to one country over another. The French Government contended that they were not discriminatory, because they did not refer to the country where the goods were produced, but only to the place from which they were introduced. That argument he was not disposed to admit, because the effect might be to compel this country to send iron by land to France through some other country, instead of shipping it directly for a French port. He was aware that the question was a difficult one, and he admitted that time might be necessary for the establishment of a system of perfect equality. He contended, however, and would contend, that Great Britain had a right to the admission of the principle, and ultimately to see it carried into effect. Some time ago the French Government had been informed, that unless the principle was admitted, it would be the duty of the Ministers of this country to recommend the Crown to impose a discriminatory duty on French commodities, and that course seemed most advisable, if the French Government persevered in the unjust distinction it had established. He was one of those who wished to see trade as free as possible.

The *Attorney-General* complained of the high duty imposed on the introduction of Scotch shawls into France, and requested the right hon. Gentleman to interfere on the subject.

Subject dropped.

WOLVERHAMPTON ENQUIRY.] Lord *John Russell* said, the hon. Member for Wolverhampton had given notice of a Motion to the effect that he would direct the attention of the House to the evidence taken in the inquiry into the recent occurrences at Wolverhampton. As the evidence was very voluminous, perhaps the hon. Gentleman would state what was the particular point to which he desired to call the attention of the House.

Mr. *Thorneley* said, that the conclusion to which he came on reading the evidence was, that the Riot Act ought not to have been read, and the military ought not to have been sent as they were, through the streets, for there was no riot except at the Market-place and opposite the Hotel. His object was to prevent interferences of this kind. He believed that this House, and he was sure that the country at large, felt great jealousy on the subject of military interference. The resolution he had intended to move was, "That this House having taken into its consideration the minutes of evidence taken at Wolverhampton, as to the proceedings which occurred at the close of the South Staffordshire election, and the introduction of the military into that borough, on the 27th May last, when several persons were wounded, is of opinion that measures should be immediately adopted to secure the administration of justice and the preservation of the peace in that borough, without resorting to military force." But at present he was inclined to think it would be most advisable not to make such a motion. He would, however, wait to hear the noble Lord's explanation.

Lord *John Russell* said, it appeared from the evidence, that the magistrate acted to the best of his ability. He was as sensible, however, now, as he was when out of office, of the great evil of calling in the military unnecessarily to put down rioting; but if forbearance were carried too far, instead of its preserving the public peace it had very often the contrary effect. Much must depend on the measures that were taken beforehand. After an event had occurred, it was exceedingly difficult to determine what would have been the result of a different course of proceeding. In this case, some might be of opinion that it was wrong to call the military in; with respect to the Bristol case, on the other hand, it might be contended, that if the military had been called in earlier the rioting would have been sooner suppressed. He would assure the hon. Gentleman that this question had attracted a great deal of his attention; and he would add, that he thought there was wanting in the country a better system of magistracy in the populous districts, and a better system of police. He had already entered into some correspondence with the Lord-lieutenant of Staffordshire on the subject, and he should endeavour to introduce some improvements with as little delay as possible.

Mr. *Villiers* said, that what had fallen from the noble Lord respecting the necessity of an improved police and magistracy, had given him great satisfaction, and he was sure that it would give great satisfaction to his constituents. The want of competent magistrates was a great evil throughout the country; but he believed that there was no district of equal extent and population, where the want of efficient local authority was more deeply felt than it was at Wolverhampton. He was glad to hear the opinion now expressed by the noble Lord, as if acted upon, it would go far to remedy the evil for which he should have been anxious to direct his attention to the results of the recent inquiry.

Mr. *Thorneley* was understood to intimate that he would decline bringing forward any motion on the subject.

SLAVE TRADE — SARDINIA.] The *Chancellor of the Exchequer* moved the third reading of a Bill for carrying into effect a measure agreed to with the Government of Sardinia for suppressing the Slave Trade.

Mr. *Hume* took the opportunity of asking if any measure had been or would be taken to put a stop to the practices at present prevalent in Cuba, where the slave trade was in a very flourishing condition—where, indeed, every vessel sailing to the coast of Africa might be insured for a fixed rate of per centage! The French flag had wholly disappeared in connexion with this traffic, but still the Spanish flag was to be found covering its continuance. If this state of things were to remain, it was impossible that they could expect in our own West-India islands that improvement in our black population which it was desirable to see effected. He wished to ask whether, under the agreements existing with the Spanish Government—for which agreements we had paid 800,000*l.*—we had not the power immediately to enforce the abolition of the trade?—and if not, whether some other agreement could not be entered into?

Mr. *Charles Wood* admitted that the statement concerning the prevalence of the traffic in slaves in the island of Cuba was but too true: the best proof of the activity of the Government in endeavouring to repress it was to be found in the several captures which had been lately made. Negotiations were, however, going on at that moment with Spain, for the purpose of effecting a new treaty; and as they were still incomplete, he could not at present enter into them.

Mr. *Hume* said, nothing but the declaring of this trade to be piracy would be effectual in suppressing it.

Bill read a third time.

STAMPS AND ASSESSED TAXES.] The *Chancellor of the Exchequer* moved that the Report of the Stamps and Assessed Taxes' Bill be brought up.

Mr. *Hume* took the opportunity of suggesting to the right hon. Gentleman, who had declined to repeal the Stamp-duty upon newspapers, on the ground of wanting funds, the propriety of devoting to that purpose the sum of 350,000*l.*, yet remaining unapplied out of the million which had been advanced to the Irish clergy. It was now understood that the Irish Tithe Bill had been dropped altogether in the other House; and he would submit to the Chancellor of the Exchequer that it would be well, now that the money in question had been spurned and rejected by that House, for him to amend the present Bill, by at once reducing the amount of the duty to which he alluded to the sum of one penny.

The *Chancellor of the Exchequer* would never consent to reduce a tax by means of an issue of Exchequer Bills, for the money to which his hon. Friend alluded was but a fund remaining of unissued Exchequer Bills.

Mr. *Hume* observed, that when he desired the reduction, he did not contemplate the necessity of providing for any consequent decrease of revenue; on the contrary he thought a diminution of the duty would lead to an increase.

Mr. *O'Connell* said, that the House might also apply the 750,000*l.* which had been advanced out of the million to that purpose. They had, indeed, expressed their willingness to remit their claim to that amount on the Irish clergy who had received it, but elsewhere it had been said, that the Protestant clergy ought to repay it.

Report brought up.

CORPORATION REFORM —— LORDS' AMENDMENT.] The Corporation Reform Bill was brought from the Lords.

The *Chancellor of the Exchequer* rose for the purpose of moving, not that the amendments only be printed, according to the usual course, but that the whole Bill, as amended, be printed; and said, that that was the only way in which the measure—a new measure in some respects, and certainly one requiring full consideration—could be discussed. He trusted that that arrangement would be productive of no serious delay, as he expected that copies of the measure would be in the hands of Members by Monday next, when it should, he proposed, be taken into consideration. It was at all events extremely desirable that they should have it before them in a complete state, for the purpose of well-considering a measure which had attracted more attention within that House, and, indeed, had excited more interest out of that House, than any piece of legislation which, since the passing of the Reform Bill, had been propounded. Such being the case, he trusted that he might take the liberty of earnestly recommending hon. Gentlemen not to enter, at the present moment, into a discussion which could not be productive of any possible good, and which could be only in anticipation of that most serious discussion which must take place when the Bill was in their hands after being printed, when they would have not only to express opinions but to come to a decision upon the subject. He trusted, he would again say, the question being one of such interest and magnitude, that the House would not think that he was acting in any shape improperly or unbecomingly, as one of those most friendly to the Bill as it was sent from that House, if he took the liberty of earnestly entreating the House to postpone at present a discussion which could lead to no good result, and which might impede the fair, calm, and deliberate but resolute decision upon the subject. He would, therefore, move that the Bill, as amended, be printed and taken into consideration on Monday next.

Mr. *Hume* concurred with the right hon. Gentleman as to the propriety of considering this, as well as every other measure which came before them, calmly, and with deliberation; but hoped that nothing which had fallen from him would be taken as holding out any idea of a hope that that House could accept, or for one moment entertain, the Bill in its existing state. He was against any such hope being for one moment held out—against the supposition that they could for an instant listen to the "amendments," as they were called, which had been made in the measure, or as he should say, the alterations which had altogether ruined it—which had rendered it such that they would be better without than with it. When, however, the copies of the amended Bill should be before them, they would be able to weigh the extent of the evils which the Bill had suffered; for his own part, he believed them to be such as rendered it wholly impossible for the House to agree to it ultimately. He said that with great regret, because they were then, on the 28th August, contemplating the last remnant of the two great measures which had been the result of all their labours during that Session. Time had been lost, excitement had been produced in the minds of the public, and a disappointment bitter in proportion had followed—which could not fail to be productive of the most serious consequences. The right hon. Gentleman had recommended, perhaps, wisely, that there should be no discussion at that period upon the subject. All that he wished was, to enter his protest against being supposed to yield, in the smallest degree, to the propriety of the amendments in question.

Mr. *O'Connell* said, that the period was now come, in which the public opinion could not be trifled with—in which the wants of this great country could not be looked at slightingly—and in which, if great organic questions affecting the constitution of the country came to be considered, the blame would fall on those who had given rise to such a convulsive discussion—if he might use the expression—and not on those who had endeavoured peaceably to ameliorate its institutions.

Bill to be printed.

MR. BUCKINGHAM'S COMPENSATION.] On the Motion of Mr. Tulk, for the Adjourned Debate on the Committal of this Bill to be resumed,

Sir *John Hobhouse* said, that he was anxious to know from the Speaker whether this was to be considered a private or a public Bill.

The Speaker was understood to reply that it was undoubtedly a private Bill.

Sir *John Hobhouse* begged to read one of the Standing Orders with respect to the reception of private Bills. It was laid down in the standing Order, which he read to the House, that the House would not receive any petition for a private Bill after the 13th of March; that no private Bill should be read a first time after the 13th of April; and that no Report should be received after the 13th of June. He thought, therefore, that this Standing Order of the House precluded their proceeding with this Bill.

The *Speaker* was understood to say that the further consideration of this Bill, though a private one, was not shut out by the Standing Order which had been read; for the House had it in its power to dispense with such order if it pleased; and this very day the Royal Assent had been given to several private Bills introduced without compliance with such order.

Mr. *Hume* was really surprised that the right hon. Baronet, the President of the India Board, should raise a technical objection to a Bill, the principle of which had been admitted by its passing through a second reading. Indeed he must say it was an act of cruelty to Mr. Buckingham to interpose such a technical objection at such a moment as this; for what were the facts of the case? Why these: that the late Cabinet of Lord Grey, composed of very nearly the same members as the present Cabinet of Lord Melbourne, granted a Committee of Inquiry—the Committee reported unanimously that Mr. Buckingham ought to receive compensation—the resolutions being drawn up by the hand of Lord Glenelg, still a Cabinet Minister, and approved by the noble Secretary of State for the Home Department, now the leader of the House of Commons, and yet, in the face of all this, the new President of the India Board, in opposition to his predecessors, as well as to his colleagues, comes forward, after failing to carry the House with him on the merits of the question, to put it aside by a purely technical objection. This conduct of the right hon. Baronet was to him perfectly unaccountable; and he would have done himself more honour if he had come forward manfully, waving all technicalities, and put the question on its merits, and its merits alone, for on these only ought it to be decided.

Sir *John Hobhouse* said, that the objection he had stated was no technical one, but an objection which had been very properly taken by the Counsel for the East-India Company when they were heard at the Bar. If this Bill were to be proceeded with, contrary to the established rules of the House in the case of private Bills, the East-India Company would not have time to get up their case. Justice could not be done to either party, unless the question were referred to a Committee up stairs, and it would not be possible that a determination could be come to by such a Committee during the present Session.

Mr. *O'Connell* hoped, that the Bill would be allowed to go forward as it had commenced—as a public Bill. The House had permitted it to be brought in as such, it had been read a second time as such, Counsel had been heard before their Bar instead of before a Committee, which would have been the proper place had the Bill been regarded as a private one; and now when the opponents of the Bill were beaten on its merits, and had not an argument left to stand on, they turned round and met it with a miserable technicality, Really it was high time that such courses as these should be laid aside; they were unworthy the character of a tribunal of justice; and if ever there was a case in which they were unbecoming this was one. It was said, too, that there was no time to consider the subject properly during the present Session. Why should there not be time? The evidence lay in a very small compass, and the House might hear it and determine on the amount of compensation that should be given, in a single sitting. There was always time for justice, if persons were but willing to employ it for that purpose. For himself, he must say, that he thought a clearer case of robbery had never been established than that which had been perpetrated towards Mr. Buckingham. Not even the history of the Colonies—bad as it was—could present another such case of unparalleled wrongs; for after the acquittal by the Government for four of the articles complained of—and acquittal by a jury for the fifth—he is banished for a sixth article which so far from being an improper one, was a mere anticipation of the very judgment passed by the India Directors themselves. It condemned, in very mild and gentle terms, the appointment of a Scotch parson to be a Stationer General, and the tenor of the article was to shew, that the two offices were incompatible, that the person holding the two should abandon one and adhere to the other—be either parson or stationer, but not both—as in that case the duties of either would be sure to be neglected. And what really happened? Why this. That as soon as ever this appointment was heard of in England, it was condemned by the Court of Directors—condemned by the Board of Control—and condemned by the General Assembly of Scotland, to whom the parson was amenable, and was annulled by all three, though Mr. Buckingham, who had been the first to call public attention to its impropriety, was made the victim of his public virtue—for really this was an act which did him honour, and for which he should have been thanked and rewarded, instead of being banished and ruined. He trusted, therefore, that the right hon. Baronet would wave these technical obstructions, and let the House deal with the question on its merits, as on those alone it ought to be decided.

Mr. *Wilks* concurred in every word that had been uttered by the hon. and learned Member for Dublin; and added his earnest prayer that the House would not suffer justice to be defeated by a mere technicality. He was familiar with the subject from the beginning, and he had watched its progress to the end: and he must say, that he had never entertained but one opinion on it, which was this—that Mr. Buckingham was most unjustly, oppressively, and cruelly deprived of his personal liberty and ruined in his property, not only without having committed any fault, but for conduct which did him the highest honour, and which could never be mentioned but to his praise. The facts were so familiar to the people of England generally, that this was the almost universal sentiment: and his conviction was, that the conduct of the right hon. Baronet (Sir John Hobhouse) in opposing this just and reasonable claim would excite the greatest astonishment wherever it was known, if even stronger feelings were not engendered by it. Mr. Buckingham, he would contend, had acted with the greatest delicacy in not pressing these claims forward before. He sincerely hoped that the Bill would be allowed to go forward as a public Bill, and secure the sanction of the House at least in the present Session.

The *Solicitor-General* said, that Mr. Buckingham had been warned of the consequences of the course which he was pursuing, but that he had nevertheless persevered in that course; another, that it was not in India, as in England, where any Government might laugh the attacks of the Press to scorn, knowing that there was a popular assembly in which those attacks, if unjust, might with ease be repelled; a third, that if the claim were granted, it would assume the shape of a tax on the natives of India, who were altogether uninterested in the subject.

Mr. *Buckingham* said, that it was with great reluctance that he presented himself to the notice of the House on this occasion; but in doing so he was actuated by two powerful motives, each of them, he believed, of sufficient force to satisfy the House that he was justified in the course he was about to take. This first motive was a desire to set himself right with the House as to certain personal imputations that he thought had been most unjustly cast upon him by the right hon. President of the Board of Control; and his second motive was a desire to save the time of the House and shorten the discussion, by putting them in possession of the main facts of the case in as brief and connected a form as the extent over which it was necessarily spread could admit. On these two grounds he intreated the indulgence of the House while he addressed to them the few observations which he thus felt it his duty to offer. The right hon. Baronet had, in his first speech, delivered on the introduction of the Bill now before the House about a week ago, deprecated the presence of any hon. Member during a debate on a question in which he was himself personally interested; and complained of his (Mr. Buckingham's) presence as being unprecedented and embarrassing; and he had next described the measures taken by Mr. Buckingham to put hon. Members in possession of his case, by sending them a printed paper, and to ensure their attendance by issuing a written circular, as wholly inconsistent with the character of a Member of Parliament. Now these were very grave accusations, and such as, if substantiated, would deservedly prejudice him in the eyes of his constituents and the country, and indeed render him unworthy to sit among those by whom he was now surrounded. He therefore felt it his duty now to rise in his place, and give these imputations his most strenuous and most unqualified contradiction. But he would not content himself with this; he would shew to the House that he was acting on well-established precedents, on examples of the strictest honour, on rules of every-day practice, as well as of reason and common sense. As to example and precedent, he would content himself with quoting two of recent date as sufficient for his purpose. When the hon. and gallant admiral, the Member for Devonport, (Sir Edward Codrington) brought forward the claims of himself and his brother officers and seamen, to the prize-money due for the capture of the Turkish fleet at Navarino, that gallant Admiral, then belonging to a profession, the very soul of which is honour, felt no scruple whatever in being himself the individual to advocate the claim, to make the motion, and to take the lead in carrying it to a close; and not a whisper was breathed on either side of the House in objection to such a course. And if it should be said that the gallant Admiral was claiming for others as well as for himself, (though his own share was by far the largest in the amount that he claimed for the whole) so also in his, Mr. Buckingham's case, there were others, whose property had been invaded, and to whom compensation was due, he meant the seventy English gentlemen who were co-proprietors with himself in the *Calcutta Journal* at the time of its suppression, and whose rights he was bound to defend and advocate as well as his own. But there was a case still more in point, in which the amount was much larger, and the claimants more numerous; he meant the case in which 20,000,000*l.* sterling had been voted by that House as compensation to the West-India proprietors for the abolition of slavery. Of these gentlemen there were several who were Members of that House, and he would ask, whether there was any feeling of delicacy which kept these gentlemen away when the case of their compensation was coming on for discussion. On the contrary, was it not notorious, not only that they were uniformly all present, but that the greater number of them spoke in favour of their claims, and that they all voted for the large sum of money of which they were to share in the receipt. Did any one condemn them for this? and was it not the constant practice for hon. Members belonging to the various interests which were represented in that House, agricultural, manufacturing, and shipping, to be present, take part in, and vote on questions affecting, their pecuniary interests, without reproach and without blame? Now as to voting on his own claim, or even on that of his co-proprietors, he (Mr. Buckingham) had abstained from doing this; and he only wished that other Gentlemen pecuniarily interested in the decision of various questions that came before the House, whether for the adjustment of tithes, the appropriation of corporate property, or the regulation of the corn laws, would only follow his example, and abstain from voting on questions in which their pecuniary interests were at stake. As to the complaint raised by the right hon. Baronet of his (Mr. Buckingham) having forwarded to the Members a printed statement of his case, and a circular desiring their attendance on the debate, to hear and judge for themselves, and give their votes accordingly; this was even more groundless than the preceding. Every one must be aware, that as these transactions took place many years ago, and in a very distant quarter of the globe, it was hardly probable that hon. Members should be familiar with them in all their details; and as the evidence on the subject filled a large folio volume, which it was very unlikely that most Members would read, considering the vast mass of papers presented to them for examination every morning during the Session, he thought he should be consulting their convenience, and advancing the ends of justice, if he placed in the hands of every Member as brief a view of the case as he could possibly compress within the compass of a single sheet of paper. This was done; and the sheet contained only extracts from the large volume of evidence arranged in consecutive order. But the very circumstance which made this document so disagreeable to the right hon. Baronet, was that which made it especially valuable in his (Mr. Buckingham's) eyes. Not a fact in it could be controverted—not an opinion in it could be overturned—and there it still remained, unrefuted and irrefutable, for present conviction, as well as for future reference and use. As to the circulars that were issued to request the attendance of Members, he (Mr. Buckingham) had very high and very unexceptionable authority for such a course:—for almost every morning he himself received a written circular from the Treasury, sometimes respectfully requesting his attendance to put the Speaker in the Chair, or in other words, to assist in making a House, when the Ministers wished this for their own purposes. Sometimes earnestly entreating attendance on some important debate; and sometimes most earnestly and most particularly urging attendance for some certain division expected to come on in the evening,—the lines being underscored to give the utmost possible importance to the injunction—and these delivered at the public expense, by the public messengers of the Treasury. What therefore it was not unbecoming in the Government to do, it could hardly be wrong in any individual member to follow,—more especially as the invitation was merely to attend, without asking support, or endeavouring, in any way whatever, to influence the decision of the party attending. He would next, with the permission of the House, address himself to the question of the Bill, and the arguments of the learned counsel against it: and in doing this he was happy to say, that besides the general authorities for such a course, before referred to, he was able to cite the particular authority of the right hon. Baronet opposite (Sir John Hobhouse) himself. On the occasion of his (Mr. Buckingham's) explaining to that right hon. Gentleman, the reasons which induced him to give circulation to the printed statement of his case—he said that one of his motives was a desire to put hon. Members in possession of its leading facts, which he might not perhaps have an opportunity of stating in his own person, by a speech made from his place in Parliament—as there might be some difficulty, especially if the House should be late, of his obtaining any lengthened hearing—to which the right hon. Baronet replied, that he (Mr. Buckingham) need not be under any apprehension on that account as the House would be bound to hear any Gentleman addressing himself to their attention on a subject so deeply connected with his own interests and character, though it was not easy to reconcile this opinion of the right hon. Baronet with his subsequent declaration, that he (Mr. Buckingham) ought not even to have been present at the debate—for how any Member could address himself to the House, or obtain their hearing, without his being present within its walls, it was rather difficult to understand.

Sir *John Hobhouse* rose and said, he certainly did not recollect having stated what had been described. He had no doubt that he had so stated it, as the hon. Gentleman Mr. Buckingham) asserted it, but it had certainly since escaped his recollection.

Mr. *Buckingham* resumed, and said he could repeat, with the greatest confidence, the statement he had just made. His own recollection of the matter was perfectly distinct and clear, however faint might be the recollection of the right hon. Gentleman; and considering that the conversation occurred only a few days ago, he was rather surprised at the imperfection of a memory from which it could have so soon escaped. He would next advert to the arguments of the learned Counsel employed by the East-India Company. He should be able to show to the House, that all the counsel taken together, (the learned Solicitor-General included) had made no satisfactory defence for their clients, and left their conduct wholly unjustified, as it was, indeed, wholly unjustifiable. The first learned Gentleman (Mr. Spankie) began, and he was followed in this respect by the learned Gentleman opposite, (Sir R. M. Rolfe) by stating, that on his (Mr. Buckingham's) arrival in India, the press was under severe restrictions, and that he knowing this to be the case, was fairly visited with the punishment he had received for his disregard of its regulations. But this was not the case. On his (Mr. Buckingham's) arrival in Calcutta, in the year 1818, the press appeared to be as free as in England; the previous censorship having been abolished. It was found, however, about three months after his (Mr. Buckingham's) Journal was established, but it was not known to him before, that when the censorship was removed, certain written rules or resolutions of the Council were substituted in their stead; and certainly as a specimen of regulations for the press they were a great curiosity. But these never had the force of law, because the charter enjoined that all regulations before they could become law, should be passed through the Supreme Court, and receive the sanction of the King's Judges in India. These regulations never received such sanction. It was not until after he had been banished from India, without a trial or hearing, for a pretended infringement of these then unlawful resolutions, that these resolutions were passed into a law with the proper formalities, thus giving them an *ex post facto* application, or rather punishing an individual by banishment and ruin on a mere circular resolution, and then making it a law afterwards, a course never before pursued, perhaps, in any civilized community. The hon. Member then entered into a long argument in reply to the Solicitor-General, to show that there would be no danger from a free press in India, and quoted the opinions of Mr. Warren Hastings and other authorities. But passing away from the theory of the subject, the learned Counsel (Mr. Sergeant Spankie) came to the practice, and asserted, with more boldness than truth, that the Calcutta Journal teamed with dangerous and inflammatory matter, calculated to excite sedition and rebellion among the troops, and dissatisfaction in all ranks of society. Was it not, however, remarkable that, with all this magazine of dangerous materials before him, he never ventured to select a single specimen so as to allow the House to judge of the nature of its composition. Not a solitary article was cited—not a single line was read: and why? Undoubtedly for the best of all possible reasons—that not a single article, or paragraph, or passage existed, which, taken with the context, could be made to bear out such statement, and therefore assertion was offered in lieu of proof. The hon. Member next showed from several authorities, that the Calcutta Journal did not deserve the character given to it by Mr. Sergeant Spankie. He then continued: the fact had often been mentioned, that a certain Dr. Bryce, a presbyterian clergyman, had been made Clerk for the supply of Stationery, and that the article for which he (Mr. Buckingham) was banished, was one condemning that appointment, but in terms so good humoured and gentle, that no human being, probably, except the Governor-General of India for the time being, would ever think of punishing a man in any way for writing it, much less consigning him to banishment and ruin. This same Dr. Bryce, of whose improper appointment he (Mr. Buckingham) had spoke so mildly, avowed a doctrine so atrocious, that it was scarcely credible it should ever have been publicly proclaimed; the doctrine was this:—that when a public writer could not be refuted in argument, and when his arguments derived strength from the excellence of his character, it was fair to attack that character, and overthrow it if possible, so as by that means, if by no other, to bring the argument into disrepute. And to show how well this half-clergyman, half-stationer, followed up his doctrine in practice, it might be added that he became the editor of the Indian John Bull Newspaper, in which he published a series of libels on his (Mr. Buckingham's) private character, which were prosecuted in the Supreme Court, which were followed by conviction and damages, and which drew from the learned Judge, then presiding on the bench, one of the severest censures probably ever passed on an individual holding that rank in life, and so recently advanced in station by the Indian Government. Yet, while he (Mr. Buckingham) had been banished without trial and ruined, for having condemned this appointment as improper, on which he had only anticipated the Directors' own views, this same convicted libeller was retained in his office for a full year beyond the receipt of the order for his dismissal from home, and was honoured and rewarded to the fullest extent of the power of the local authorities so to do. The learned Counsel had said, that he (Mr. Buckingham) had been banished by a lawful power, and that, therefore, he was not entitled to ask for any redress; and great stress had evidently been laid on this argument by the small minority by whom this Bill had been opposed. But he (Mr. Buckingham) again contended—first, that there was no infringement of the regulations laid down for the guidance of the press in the article for which he was banished:—next, that those regulations never had the force of law until after he had been punished for the alleged infringement of them:—and, lastly, that though the power of banishment, by withdrawal of licence, was a power given by the law in the last India Charter, it had never been given for such a purpose as this, but for one entirely different. The hon. Member quoted several authorities to confirm this view, and after observing that Lord Hastings and his Council were divided as to the propriety of establishing the liberty of the press in India, concluded by saying, that he fell a victim to his attachment to the liberal principles by which Lord Hastings's Government was characterized, and in the conflict between that Nobleman and his council, he fell a sacrifice. The learned Counsel had said too, that if any wrong had been done, the Governor-General should have been sued for damages or prosecuted for his offence—and this too had been the language held on a former evening by the hon. Secretary to the India Board (Mr. Vernon Smith). But both these hon. Gentlemen knew very well that the Governor-General by whom this great wrong had been perpetrated, had died on his passage to England, so that no proceedings could be followed up against him; and next they knew, or ought to know, that supposing him to be alive, there was no possibility of reaching him through any process of law in this country. The very worst part of the whole affair, had been, strange to say, passed over in entire silence by every one of the speakers who had opposed themselves to the progress of the

Bill; for neither the right hon. President of the India Board (Sir John Hobhouse)—nor his zealous coadjutor and secretary (Mr. V. Smith)—nor their near ally, the learned Solicitor-General (Sir R. M. Rolfe)—nor the hon. proprietor of East-India Stock (Mr. Robinson)—nor either of the learned Counsel, (Mr. Spankie and Mr. Wigram) had said one word about the transfer of the copyright—made valuable by his (Mr. Buckingham's) capital and labour—to Dr. Muston, who had bestowed on it neither the one nor the other; but who, after its transfer by the Indian Government, sold it for his own benefit and realized the profit. The history of the affair was this:—when he quitted India, he left the whole of his Journal and its attendant property under the management of competent persons, who, as the law then stood, could not be punished but by legal process, and could not be arbitrarily banished, as he had been, without trial or conviction of any offence—for this was a distinction reserved for those who were of British blood—no other person could be so tyrannically dealt with. While, however, he (Mr. Buckingham) was thus relying on the security of the property he left behind him, the Government of India were already concocting measures for its destruction. Accordingly, when he (Mr. Buckingham) had embarked, and was fairly out of the way, the Government of Bengal first passed the resolutions for the press,—for the pretended infringement of which he (Mr. Buckingham) had been banished—through the Supreme Court, giving them then for the first time the force and power of law. They next had another law drawn up by Mr. Sergeant Spankie, who was then their Advocate-General, the object of which was to prohibit all books as well as newspapers which the Governor-General chose to prohibit; and to subject persons having them in their possession, whether they were printed in England or elsewhere to severe fines and imprisonment for this heinous offence. When an attempt was made in July 1826, three years subsequent to the transactions at Calcutta, to introduce this same Asiatic piece of legislation into Bombay, the two King's Judges of the Supreme Court there—Sir Edward West, and Sir Charles Chambers rejected it with disdain, as wholly repugnant to the laws of England, and as such, contrary to the Charter of the Supreme Court, and wholly inadmissible as a lawful regulation. Yet it was upon this illegal regulation, and by virtue of this illegal power, that the Calcutta Journal was, soon after his banishment, wholly suppressed and destroyed. Indeed, it might be said that this regulation was made and passed with no other view or object—and too skilfully it effected its destructive end. The hon. Member went on to explain that this was effected in consequence of his having reprinted Colonel Leicester Stanhope's pamphlet, on the freedom of the Press in India. The Journal thus suppressed, its agents made an effort to get it revived; and the Government of India promised from day to day to grant a new licence. A large establishment of printers and pressmen, with clerks, messengers, and other requisite assistants, was kept up, on full pay, waiting from day to day the pleasure of the Governor-General, and many weeks of time was thus consumed, every day deteriorating greatly the value of the property, besides adding largely to the actual loss. At length a verbal assurance was given that the Journal should be revived, and on the faith of this a new Prospectus was issued; but this Prospectus adverting briefly to the late regulations for the Press, as being in their nature calculated to throw a damp on the freedom of discussion, and make the Journal less interesting than before, which was put forth, indeed, as a sort of apology for its apprehended inferiority in attractiveness; this innocent announcement, written too by a personal friend of one of the Members of Council, and most devoted to the Government, drew down the new displeasure of the Governor-General, or his Secretary, and the revived Journal was put down almost before its appearance, and was literally strangled in its birth by the very hands of the person who had but just given it existence. Still further negotiations and further delays went on, till at length it was resolved by the Government of India, that the Journal should not be revived, but under an editor of their own choosing; and even when that editor was appointed, he being one of their own servants, and son-in-law of one of the Cabinet Ministers, or Member of the Indian Council—they then further resolved that even the editor of their own choice should not be permitted to carry on the Journal, so long as he (Mr. Buckingham) or any of his former co-proprietors had any beneficial interest in the profits accruing from the same—thus making it no longer a war against certain sentiments, but a personal persecution: and assigning as a reason for this proscription, that unless it was made, he might again return to India, to exercise a control over his own property; though this could not be done without the permission of the Directors in England; so that at length the whole property was transferred to Dr. Muston, the editor of their own choice—and the copyright made his, without any consideration—which copyright he subsequently sold to the proprietors of another paper in India, to whom its subscribers were transferred, and realized to his own private and personal use, the profits of this transaction. If this then were not a robbery perpetrated under the authority and sanction of the Indian Government—though under the due form of law—he knew not what could deserve that name. Indeed one of the strongest proofs that could be offered of this persecution being personal, and not being confined to mere hostility to the liberty of the Press, was this, that on his (Mr. Buckingham's) first hearing of these destructive proceedings towards his property in India after he had left it, he applied to the Court of Directors in England, where he then was, for leave to return to India for ever so short a period, and under any securities that they might require, merely to wind up his affairs, pay his just debts, and receive the various sums of money due to him from persons scattered over the face of the whole country, so that he might wind up his affairs and return home with what he might be able to gather up from the wreck; but even this just and reasonable request was peremptorily refused. The Board of Control was then appealed to for interference, as a case of appeal; but there also redress was equally denied; and as it now appeared for the strongest of all reasons, namely, that the authorities of that Board had been secretly encouraging the India Directors and their servants abroad to the commission of the very acts complained of; a fact only brought to light by the production of the secret documents from the India House confirmatory of this view, so that to grant redress to him (Mr. Buckingham) would be to pass censure on themselves. The hon. Member next adverted to the several periods at which his case had been brought before the House of Commons and the public, and shewed that on all the occasions of submitting his case to the House of Commons, Sir John Hobhouse had supported it. The hon. Member then explained the circumstance which had brought the question to its present state, and which made it necessary for him to appeal to Parliament, and concluded as follows:—If he were asked why he should object to postpone the consideration of the subject to the next Session, his answer would be—first, that twelve years had already elapsed, during which it had had as much consideration as it was ever likely to receive again; having been so repeatedly before the House and the country, that all those who took any deep interest in the progress of public affairs must be tolerably familiar with the outline of the subject at least;—and next, that he was now past the prime of life, and had children grown up and dependent on him for support; and that having seen during the present Session, two of his personal friends, as young, and to the full as healthy, as himself—he meant the late Members for Hull and Belfast, drop into the grave—he knew not but that he, too, might descend to the tomb before another Session might arrive, and he was not willing that his children should lose the benefit of his advocacy, for it was their property as much as his own, that he wished to have restored to them, while he had yet life and health to persevere in their claims for justice. Those claims he had now presented to the House in the best way that the circumstances of the case would admit, and if he had justified himself to the House in the steps he had taken, and shown that there was nothing inconsistent with his character as a Member of Parliament, in being present at the debate, and taking part in the discussion, though he should not, of course, presume to give a vote on the question, he should sit down with a consciousness of having done his best to discharge a solemn duty; and, for the rest, he had the fullest confidence in the justice and integrity of the independent portion of the House of Commons; in their hands he was willing to leave his case, and to their judgment he should bow with resignation and submission, believing, as he did, that they would consult the ends of justice as paramount to every other consideration.

Mr. *Warburton* was entirely in favour of the principle of the Bill; but viewing it as a private and not a public Bill, he did not know how it could be proceeded with in the present Session. If the House one broke through the broad and plain principle, and chose to regard as a public Bill that which every man must feel and know to be a private Bill, there would be no end to the jobs that would be attempted to be passed through the House; though he did not by any means say that this was one, as it had been clearly conducted with the greatest fairness and openness, and under the belief on all sides that it was really a public Bill. In whatever light the Bill was regarded, whether as a public or private one, he would recommend the hon. Gentleman to withdraw it for the present.

Mr. *Tulk* would be quite prepared to act upon the suggestion of the hon. Member for Bridport (Mr. Warburton) if it were understood that, on the introduction of the Bill next Session, the first and second reading should not be opposed.

Sir *John Hobhouse* said, that having stated distinctly and with earnestness he was opposed to the principle of the Bill, he knew not how such a pledge could be required from him. He begged to observe, that Mr. Buckingham was mistaken when he supposed that his (Sir John Hobhouse's) opposition was merely *ex officio.* He had more than once told the hon. Gentleman that that was not the case; and he thought he had some reason to complain of the manner in which the supposition was repeated. He confessed he was unwilling to make any sort of bargain upon the subject; and knowing how strongly he was opposed to the principle, and seeing that the greater number of his colleagues were not present, he knew not how the hon. Gentleman could expect him to enter into any arrangement which should affect the course of proceeding next year. After the course which things had taken, it was a little too much to expect that he should give way. He had certainly anticipated that the Chair would have stopped the debate before it had been extended to so great a length.

The *Speaker* conceived that he had no right whatever to stop the debate. He begged to state, however—what indeed he had before observed—that he considered the Bill to be a private one, and to repeat that, being a private Bill, if it were to be proceeded with this Session, it was necessary, in compliance with the Standing Orders of the House, that seven clear days' notice should be given between the second reading and the committal, whether to a Committee of the whole House, or to a Committee up stairs. That being the case, he could only put it to the House whether it would be possible to proceed with the Bill at this period of the Session.

Mr. *Aglionby* hoped that some understanding might be come to that the Bill should in the next Session be allowed to pass the second reading, as the House was clearly in favour of the principle, and the details could be settled in Committee.

Mr. *Praed* opposed the Bill, and deprecated the idea of asking the President of the India Board to make any agreement on the subject.

Mr. *Robinson,* as a proprietor of India Stock, protested against the power of the House to compel the East-India Company to make compensation.

Mr. *Baines* approved entirely of the principle of the Bill, and hoped to have seen it pass into a law. But if the right hon. Baronet (Sir John Hobhouse) insisted on pressing his technical objection, of course the Bill could not be proceeded with any farther during the present Session. Under these circumstances, he should advise his hon. Friend (Mr. Tulk) to withdraw it for the present, and re-introduce it as a private Bill early in the next Session. He could not sit down, however, without saying that stronger or clearer claim to compensation had never in his mind been made out, than had been established by Mr. Buckingham. He (Mr. Baines) had attended all the sittings of the Committee—he had heard all the evidence while it was proceeding, and he had read it all over carefully since, and no conviction was ever deeper on his mind than this—that in all Mr. Buckingham's conduct in India, in the management of his Journal, his moderation had been exemplary in the extreme, there was not an article that could be characterized as inflammatory, intemperate, or unfair; and he doubted whether any journal could be named, in which so uniform a course of mild and temperate argument—and fair and impartial statement of facts could be found. Yet, notwithstanding this, his punishment had been more severe than had ever before been inflicted on any public writer of whom he had ever heard—banishment from all his property and friends, and utter ruin of all his hopes and prospects; these were the rewards heaped upon him for all his careful and honourable exertions to promote the good of his country. If the parties could come to no terms, he did hope that the hon. Member for Poole (Mr. Tulk) would persevere in his intention of bringing in the Bill as a private Bill in the earliest part of the next Session, when it should have his most cordial support, as he doubted not it would that of the House at large; for it was impossible that hon. Members could make themselves acquainted with the facts without giving the claims their most cordial support.

Mr. *Wilks* feared there was now no course left but to withdraw the Bill for the present Session, and re-introduce it early in the next, when he felt assured it would receive that general support to which, the more the subject was examined, the more it would be proved entitled to receive.

Mr. *Buckingham* said, that his hon. Friends, the Members for Leeds and Boston, had anticipated to a great degree what he himself had intended to say. He was sorry that this unexpected obstacle of a technical objection had arisen; though to be defeated thus, by such an obstacle being interposed in the eleventh hour, was less painful than being beaten on the merits of the case, which happily stood untouched. He should concur, therefore, in the propriety of not pressing the Bill further during the present Session; he hoped that in the next Session of Parliament, when the subject would be more generally understood, and more time would be allowed for its discussion, such an impression would be made on the minds of hon. Members, as to ensure for the Bill that favourable reception which would ensure its passing into a law. In the mean time, he should still be open to any fair and honourable compromise; but if that still were refused him, he should persevere, while he had life, until justice was done him.

Bill withdrawn.

THE LORDS' JOURNALS.] The *Attorney-General* rose in pursuance of notice, to move for the appointment of a Select Committee to search the journals of the House of Lords in order to ascertain, if possible, what had become of two very important measures sent from that House (the Commons) to the other. He hoped this Motion would not be deemed disrespectful towards their Lordships, and that it would not be expected, that after passing Bills, and carrying them to the House of Lords, the Commons might not reasonably feel disappointment at hearing no more of them. A very important Bill, as the House was aware, a Bill for the abolition of imprisonment for debt, had been sent from that House up to the Lords, and as to that Bill he was in a condition to tell the House what had become of it. He understood that that very important Bill was not to pass their Lordships' House until they had examined witnesses upon it. Probably, in accordance with precedent, their Lordships would call to their Bar all the bum-bailiffs —all the gaolers—the gentlemen who served the useful purposes of sham bail—and all the attorneys; and from these truth-speaking and disinterested witnesses their Lordships would no doubt hear that the law of Arrest for Debt was a most excellent law, that it never was in any one instance abused, and that it would give great dissatisfaction to the country if it were abolished, and upon such evidence the Abolition of Imprisonment for Debt Bill would share the fate of other measures sent from that House to the Lords. The Bills for the discovery of which he now moved the appointment of a Select Committee, were two measures of considerable importance. They were—the Bill regulating the law respecting the Execution of Wills, and the Bill for the reform of the law relating to executors and administrators. The Bill regarding the Execution of Wills had long been called for by the public. It was recommended in the Report of the Ecclesiastical Commissioners, approved by all the Ecclesiastical judges, and approved also by every one he believed of the judges in Westminster-Hall. The Bill respecting the law of executors and administrators was also one much needed, and had the sanction of the judges and of most legal men. They were introduced early in the Session, and had gone through Committees in which their provisions were most laboriously discussed, with a view to their improvement. They passed on the 3rd. of June, nearly three months ago. What had become of these Bills he did not know. He had seen the learned Masters in Chancery come to their Table day after day, announcing that the Lords had passed this Bill and that, but upon no occasion had he heard any mention of these lost measures. The only mode, therefore, by which they could gratify their curiosity upon the subject was by acceding to the proposal he now made of appointing a Select Committee to search the Journals. Whether upon such search any trace of the Bills would be found, or whether it would be discovered in what manner they had been burked, he could not tell; but the search would at least be satisfactory. Before he sat down he could not help adverting to one circumstance in the business which caused him surprise. He meant the conduct of a learned Lord who lately filled the office of Lord Chancellor. That noble and learned Lord, when in office, wrote to him, communicating his approval of the principle of the measure relating to the Execution of Wills, and expressing a desire himself to introduce it into the House of Lords. He had declined the offer of the noble and learned Lord, being desirous of introducing the measure in that House in which the subject had originated. He thought, therefore, he had reason to feel surprise that the noble and learned Lord who entertained these favourable sentiments towards the measure, had allowed it to remain unnoticed. The hon. and learned Gentleman concluded by moving for the appointment of the Committee.

Colonel *Perceval* thought the Motion of the learned Gentleman was an un-called for interference with the other House.

Mr. *Hawes* was sorry their Lordships meant to stop the Bill for abolishing Imprisonment for Debt. If that was the course they meant to pursue to entitle themselves to the respect and confidence of the country, he wished their Lordships joy of their sagacity. That Bill placed the property of the peer and the peasant under the same control of creditors, and that was the reason of their Lordships' hostility to it. This was candidly stated in one of the principal speeches against the measure. For his part he was not disappointed, for he expected such a result. With regard to the two Bills which were the subject of this Motion, he thought that House and the public were under great obligations to the Attorney-General for the pains he had taken in introducing and carrying those measures, and other improvements of the law, through the House.

Mr. *Scarlett* objected to the time at which this Motion was brought forward. The object of it seemed to be to cast reflections upon the House of Lords; for, if the hon. and learned Gentleman really wanted information, he could have obtained it by inquiring of any Member of the other House. As to the Imprisonment for Debt Bill, their Lordships had exercised a very proper discretion. It created a complete revolution in the law upon a very important subject, and did not give satisfaction to the country. A relative of his, a Member of the other House, he knew had paid a great deal of attention to the Bill relating to the execution of wills in Committee.

The *Speaker* observed that the Motion before the House did not relate to the measure for the Abolition of Imprisonment for Debt, and the discussion therefore of that measure was irregular. The course proposed with regard to the other Bills was the simple and most usual course in such cases.

Question agreed to, and Committee appointed.

HOUSE OF LORDS,

Saturday, August 29, 1835.

MINUTES.] Bills. Read a second time:—Capital Punishments.—Read a third time:—Colonial Passengers.

HOUSE OF COMMONS,

Saturday, August 29, 1835.

MINUTES.] Bills. Read a third time:—Stamp and Assessed Taxes.

Petitions presented. By Mr. Sergeant JACKSON, from Larah and Druny, for Revision of the Registration of Voters (Ireland); from Cavan, against the Constabulary Force (Ireland) Bill.—By Mr. SANDERSON, from Colchester, and Sir JOHN RAE REID, from Dover, and Mr. CODRINGTON, from Stafford, to maintain the Privileges of the House of Lords.—By Mr. WODEHOUSE, from the Agriculturists of Diss (Norfolk) for Relief.—By Sir JACOB ASTLEY, from two Places, against the Additional Duty on Spirit Licences; from Shropham, against a Clause in the Poor-Law Amendment Act.—By Sir G. STRICKLAND, Mr. BLAMIRE, Mr. R. STEWART, and Dr. BOWRING, from a Number of Places,—for passing the Municipal Corporations' Bill unmutilated.—By Mr. CODRINGTON, from Places in Gloucestershire, against being united under the Poor-Law Amendment Act.—By Viscount MORPETH, from two Places, for Remitting the Sentence on the Dorchestsr Labourers; from Welsden, against Drunkenness: from Thornhill, in favour of the Irish Church Bill; from Aughagour, for a greater Number of Representatives for Ireland; from Sheffield, in favour of the Imprisonment for Debt Bill; from Dublin, for Amending the Dublin Valuation Act.

NAVIGATION OF THE SHANNON.] The House resolved itself into a Committee on the River Shannon Navigation Improvement Bill.

Mr. *Potter* did not know whether the right hon. Gentleman (the Chancellor of the Exchequer) was aware of the objections which had been urged against this Bill by his hon. Friend the Member for Bridport. His hon. Friend complained, that in a measure which merely appointed Commissioners to prepare estimates for the improvement of the navigation of this river, a provision should have been introduced to raise by loan one half the amount which might be required for the work. In that objection he entirely concurred; and, instead of the Government advancing any portion of this money, he conceived that the whole sum should be made a charge on the Irish counties connected with the Shannon, and raised in them by means of assessments. He did not consider that the security for this advance ought to satisfy that House.

Mr. *Lynch* said, that the security for the repayment of the loan was as good as could be given.

Mr. *Pryme* agreed in the objections stated by the hon. Member for Wigan, and he could not tell why a Clause empowering the House to grant a loan should have been thought necessary at that early stage. He would ask, to what public works in England had such donations been given? He did not object to grants being made for the improvement of Ireland, but let equal justice be done to England. He would suggest, that all that part of the preamble should be omitted, and leave it to Parliament to make the grant hereafter if they thought proper.

Mr. *Wallace* said, that there had been a sum of money voted for Portpatrick harbour which might very well be dispensed with, and given to the deepening of the Shannon, or any other useful national purpose. Laying it out at Portpatrick, was in plain English, throwing it into the sea—it was throwing away good money after bad; and he would therefore move, on bringing up the Appropriation Clause, that no more money be expended on Portpatrick harbour.

Mr. *Warburton* did not object to making the grant, but the present Bill was merely for the purpose of appointing Commissioners to obtain an estimate of the expense, and the introduction of such a Clause in it was premature. He put it to the right hon. Gentleman (the Chancellor of the Exchequer) whether he could cite any precedent for such a proceeding? It was pledging the House to advance the sum necessary for carrying on these works, whatever that sum might be. There were various conditions necessary to be entered into with the proprietors, and the Government could make a better bargain if the grant was not previously made. The hon. Member concluded by moving the omission of that part of the preamble which authorized the grant.

The *Chancellor of the Exchequer* would state the grounds on which this preamble was framed, in order most particularly to meet the objections of the hon. Member for Bridport, to whose authority on these subjects he was disposed, both in and out of the House, to pay the most respectful attention. This Bill was introduced in consequence of several repeated inquiries by Committees of that House, but the Bill did not carry out to their full effect the recommendations of those Committees. He did not propose to the House to do this, and if it had been proposed by others he would not have approved of it. The recommendation of the Committee was, that there should be a vote of public money for this purpose — absolutely pledging the House not only to the principle, but to a vote of public money for the adoption of the principle, before they had a satisfactory plan and estimates, and, above all, before arrangements were made with the parties locally interested, in order to protect the public against undue, excessive, or extortionate claims, which would be a bar to the undertaking altogether. It was recommended by the Committee that the money should be advanced; but to that recommendation he entirely dissented. He would not ask the House to advance one single farthing, except for the expenses that must be incurred by reason of inquiry. The Bill did not pledge the House to the advance of any money; all it pledged the House to was, that in the event of there being a satisfactory plan and estimates, and in the absence of all unreasonable local demands, the money should be hereafter advanced. The question was, whether the Crown, in its individual capacity, being a party to the undertaking, which could not be effected without the interposition of the House, and the Crewn having no right to impose the *onus* upon individuals who had neither the means nor the power to execute the work, that House was disposed to adopt the principle of the Bill by saying, that if the parties locally interested would provide one-half of the expense, and a proper plan were laid before Parliament, they would be disposed to give the other half. His hon. Friend, the Member for Bridport said, there had been no similar cases. He could assure him that there had been innumerable such cases. There was the case of the river Barrow, and of the Cam; but the present was a special case. A very considerable portion of the navigation of the Shannon belonged to the Crown, and they were annually voting sums of money for the imperfect maintenance of the navigation of that river. [Mr. *Pryme*: How does it belong to the Crown?] It was vested in the Crown by the laws of the land. There were, as he had said before, several precedents. He would not speak of the Caledonian canal, which, he believed, was a failure; but there was the Highland roads and bridges, the interposition of Parliament in which case, according to Mr. Telford, was the means of advancing Scotland a hundred years in civilization. There was also the Holyhead road, the Menai-bridge, and the Plymouth Breakwater, and various other cases in which that House had interposed. They could not expect that the parties would submit to a proposition for pledging the county rates for the repayment of this money unless that House pledged itself to the principle, and to advance the money if a good case were made out. On these grounds he prayed the House to allow the Bill to remain in its present state. He had done his duty in proposing the Bill—he had done his duty by the Committee and by the public; and he hoped the House would enable him to treat with the parties in Ireland, with whom he could treat effectively if they saw that House disposed to entertain a favourable view of the present case.

Sir *Frederick Trench* said, that the Bill should also have his support because he knew it would confer a very great benefit on not less than two millions of persons who resided on the banks of the Shannon, but who had never seen a suit of new clothes in their lives. The population of the country along the line of the banks of the Shannon were in a state of heart-rending distress.

Mr. *O'Connell* observed, that the hon. and gallant Officer laboured under some mistake. The people to whom he alluded might have seen the new clothes of the police and the soldiers; they might also have seen the hon. and gallant Officer himself; and, if so, they must not only have seen new clothes, but clothes cut in the highest and newest style of fashion. He challenged the hon. Member for Scarborough to state what interest the people of Ireland had ever derived from their connexion with England. Their debt had been increased in consequence; and up to the commencement of the existence of the present Administration he defied any hon. Member to show any act that had been done for the good of Ireland. Ireland was perhaps the most fertile country in the world, and yet what was the general state of the inhabitants? They were in a state of the greatest misery, owing to bad laws. The present Ministry were anxious to do all they could to alleviate the distresses of that unhappy country, but what was the use of that when a sort of stop-gap existed elsewhere? If he were told that but for England his country could not find a market for its provisions, what would be his reply? Why, that but for Ireland this country would be without a market for its manufactures. The people of Ireland were a patient people, and he only wished his voice were loud enough to be heard elsewhere, in order that he might beg that their patience should be considered, and their grievances redressed. He could not but lament that at this late period of the Session they were discussing mere words, for really the alteration proposed by the hon. Member for Bridport amounted literally to nothing. He feared, however, that it proceeded from that begrudging and niggardly spirit which was invariably displayed in that House when the question of advantage to Ireland was the subject under consideration. He admitted, however, with gratitude, that a spirit favourable to Ireland had diffused itself among a majority of that House; but he, at the same time, could not help recollecting that there was a frightful minority who were adverse to everything at all tending to the well-being of Ireland, and who wished to have that country once more delivered up to the tender mercies of the Orange faction, in order that the abuses of which the Irish people so long and so loudly complained might be perpetuated. There was an oligarchy of about 200 persons in another place who would refuse to pass any measure which they deemed beneficial to Ireland; and if their power was not crushed what must the prospect of Ireland be? The people of England owed the people of Ireland a great debt, and he was willing to acknowledge that what tended to the benefit of the one country ought to promote the interest of both, because he did not wish to conceal the fact that if the two kingdoms were rightly governed their interests should be identical. He wished, however, that the system of misrule which had so long existed in Ireland would speedily be put an end to, and, that finally, justice should be done to his country.

Mr. *Ewart* said, that he should give the Bill his warmest and best support. He thought the arguments of the hon. Member for Scarborough were quite inapplicable to the present case; and he trusted, with his hon. Friend the Member for Dublin, that a better feeling would be introduced towards Ireland in another place.

Mr. *Warburton* said, that he should have no objection to withdraw his Amendment, provided the right hon. Gentleman, the Chancellor of the Exchequer, would introduce into the preamble some words which would render it impossible for the Government to call on the House to vote money for this purpose until the estimates were before them.

The *Chancellor of the Exchequer* was willing to accede to the proposition of his hon Friend.

Sir *Frederick Trench* would not make

any comment on the personal observations made by the hon. and learned Member for Dublin, for that hon. and learned Member was but too prone to indulge in personal sarcasm, which in his case was exceedingly to be regretted. The joke, however, was witless; but, without pursuing the subject farther, he would only observe, that he and the hon. and learned Member for Dublin were agreed in one thing, and that was that the people to whom he alluded were in a state of almost nudity. The hon. and gallant Officer complained that the noble Lord (the Secretary for Ireland) had last night requested the hon. and learned Member for Dublin not to support the Bill, as it would insure its rejection in another place.

Viscount *Morpeth* had been led to make that observation in consequence of a very grave debate which had occurred in another place, and which had reached him through the ordinary channels.

An Amendment was made in the preamble, the several Clauses were agreed to, and the House resumed.

The Irish Clergy—Tithe Instalments.] The *Chancellor of the Exchequer* meant to occupy the House only for a short period, while he explained the object of the Bill which it was his intention to ask leave to introduce. He must, in the first instance, justify himself for introducing such a Bill at this late period of the Session; nor would the Government have taken such a course if a direct and positive necessity for doing so had not been fairly made out. Indeed, they had abstained from exercising their discretion in this respect so long as there remained a chance—so long as the possibility of a hope existed—that the great Question which had occupied so much of the attention of the House during the present Session—he meant the great Question relating to the Irish Church—was likely to be brought to a settlement by a satisfactory Act of the Legislature. Had such an Act been passed, this Bill would of course, have been unnecessary, but now it had become indispensable, because it would be perceived, by the votes of the other House, that no steps were likely to be taken to forward the Irish Church Bill through Parliament during the present Session, and as that Bill had been abandoned, in point of fact, by his Majesty's Government, upon the ground that it would not be satisfactory in its present shape, and as it did not appear, from the minutes of the House of Lords, that it filled up the outline, or conformed to the principle laid down in the resolutions which had been acquiesced in by that House, the consequence was, that his Majesty's Government would be acting inconsistently with the declaration which they had made if they were to carry it on in its altered condition. It was not, therefore, the intention of the Government to proceed further with this measure, nor did it seem that any steps were likely to be taken by any Member of the other House to advance its progress beyond the stage at which it had arrived. It was thus that the Irish Church Bill stood; but he would not at present go into that Question, as all he wished was merely to call the attention of the House and the country to the situation in which the Government would be left, unless the Bill which he was about to introduce were accepted by that House. They had heard, during the discussions which had taken place in the present Session, much about the lamentable condition of the Irish Clergy. It was said that the Irish Clergy would be reduced to a situation of the most abject misery if they were to be kept out of their incomes; but he would ask the House and the country whether their condition would be improved by reason of what had occurred in another place? He would give no opinion himself upon the subject, but leave the question to be answered by futurity. He must say that the House of Commons were bound to do justice to the people of Ireland, and, at the same time, to afford adequate protection to the Clergy of the Established Church. The Ministers had endeavoured to accomplish both these objects, although they had failed in their attempt. By the law as it at present stood, it would be imperative on the Government to put in suit all claims which the Crown had for the recovery of the instalments due under the Million Act by the Irish Clergy. They would be compelled, however reluctantly, to adopt proceedings under that Act against the whole body of the Irish Clergy, even in cases in which they might know that the parties had no means of paying the demand, or that such a step must be taken without any good effect. He, for his part, would not undertake, in his capacity of a Minister of the Crown, the responsibility of not discharging his duty—the responsibility of, in short, suspending the law of the land. If it became necessary to enforce the written law against the Irish Clergy, he could not withhold his sanction from such a proceeding, and certainly, unless the Bill which he purposed to introduce were adopted, the Government would be bound to use every exertion in their power to enforce those claims—no matter whether the party had the means of paying or not. The House, however, would agree with him in saying, that it would be not only unjust, but positively oppressive, to enforce the law in such a way in cases in which it could be made to appear that the clergy had not received their incomes, and could not, therefore, be expected to pay. The object of this Bill was, not to remit a single farthing of those claims, but to give the Government authority, in case it could be shown that any individual clergyman was not in a condition to pay, to suspend all proceedings for the instalment due by him until Parliament should have re-assembled again. If this Bill were not passed, the Government would have no alternative but to proceed against every Member of the Irish Church, whether they possessed means to satisfy the demand or not. They would soon learn what was the result of the defeat of the Irish Church Bill; but, at present, all he asked of the House was, to grant to the Government legislative authority or power to abstain from the adoption of legal proceedings against all such individuals as should be proved incapable of paying, for a term extending only to the 5th of April next. He did not mean to propose, that the claims should altogether cease; on the contrary, he intended that the right to enforce their recovery, on the part of the Crown, should again revive in all respects, unless in the mean time a new Bill were brought under consideration, or a grant of public money was obtained to render proceedings unnecessary. The power which Government sought by this Bill might be called a dispensing power; and he trusted that those whom he had the honour to address would not only perceive that the proposition was a just and reasonable one, but admit that they, and those who acted in connexion with them, had done all in their power to settle this question consistently with the principle of the resolutions which had passed that House, and from which he, for his own part, was not disposed even in the slightest degree to retreat. They evinced nothing like personal or vindictive feelings in their proceedings on this subject, and had shown every possible disposition to consider it not only upon principles of justice, but with a view to the proper maintenance of the Church Establishment itself. The Government had been charged with being the enemies of the Church—with desiring to work its destruction—but their proposition, if carried into effect, would, he thought, be a triumphant answer, the best that could be given, to the false imputations which had been cast, not only on their measures, but their motives, for it would prove beyond the possibility of doubt, that they were neither indifferent about the rights of the Church, nor unsolicitous for the well-being of the clergy. It was for the protection of the clergy that his Majesty's responsible advisers now proposed bringing in this measure. But, without trespassing further on the patience of the House, he would conclude by moving for leave to bring in a Bill to alter and amend the Act of the 3d and 4th William 4th., for the relief of the owners of tithes in Ireland.

Mr. *Ruthven* said, that he was prepared to place every confidence in the Government, and that he should offer no opposition to the introduction of this Bill. He thought that those who had defeated the Irish Church Bill would have cause to regret the unwise course which they had taken. There were, he admitted, many things in that measure from which he dissented, but still he, like many others who were as strongly attached to it as it was possible to be, felt it to be his duty to sacrifice personal feeling to the attainment of that which they all had in view, namely, the pacification of Ireland.

Mr. *Wilks* must say, that this seemed to him to be not only a very liberal and constitutional, but a very humane measure, and he should be most happy to give it his best support.

Motion agreed to. Bill brought in, and read a first time.

HOUSE OF LORDS,

Monday, August 31, 1835.

MINUTES.] Bills. Received the Royal Assent by Commission:—Exchequer Bills; Slaves' Compensation; Excise Act Amendment; Duties on Wood Collection; Dominica Relief; Government of Agra; Clerk of the Crown; Illegal Securities; Colonial Passengers; Special Constables: Peace Preservation (Ireland); Insolvent Debtors' Courts; Court of Exchequer (Scotland); Marriage Legalizing; Highways; Turnpike Road Acts' Continuance; and to four private Bills.—Read a third time:—Weights and Measures; Tithes' Recovery; Tithes on Turnips.—Read a second time;—Sardinia Slave Treaty; Denmark Slave Treaty; Cruelty to Animals.

Petitions presented. By the Duke of WELLINGTON, the Earl of RODEN, and Lord Ellenborough, from several Places,—against the Church of Ireland Bill.—By the Earl of ABERDEEN, from Paisley, against the Imprisonment for Debt Bill; also for Inquiry into the State of the

Law referring to Waste Property in Scotland.—By Lord BROUGHAM, from Leeds, in favour of the Prisoners' Defence Bill.

DUBLIN POLICE.] Viscount *Duncannon* moved the second reading of the Dublin Police Bill. He said that alterations were proposed to be made in the Dublin Police, with the view of placing that police on the same footing as the police of London. He believed that this plan met with the approbation of all who knew the Dublin Police. At present the Dublin Police was under the control of the magistrates, who had not sufficient time to devote to their management; and the regulation of them was, therefore, indifferently attended to. He believed that all agreed that the state of the police in Dublin was not what it ought to be; and he did not know of any objection to the alteration now proposed.

Lord *Farnham* perfectly concurred with the noble Lord in saying that there was a necessity for alteration in the Dublin Police, but he thought it improper to bring in such an important measure at this period of the Session. The Bill itself he also objected to, as it gave too much power to the Lord-lieutenant, his secretary, or his under-secretary. The Secretary for Ireland might perhaps be compared to the Secretary of State for Ireland; but no such comparison could be made with regard to the under-secretary; and yet he was to have full power over the numbers and salaries of the different members of the police force. The number of the magistrates was to be reduced; but the expense was not to be diminished. If this Bill had been brought up in due time, he should willingly have given his best assistance to the proposition to place the Police of Dublin on the same footing as that of London; but he really could not consent to do so when he had not had time to examine the Bill thoroughly, as it ought to be examined, considering that it related to a subject of such importance. He should wish the measure to be postponed, as it was impossible, at this period of the Session, to give proper attention to the important and difficult matters contained in the Bill. A few months could not make much difference; and it was better to wait that time, than to adopt, without due consideration, a measure of this importance.

Lord *Plunkett* said, that it was universally admitted that the Police of Dublin was very defective. The noble Lord himself admitted this, and said he wished to remedy the evil. No specific objection was made to the Bill. Then why not adopt it? There was only the general statement that it was objectionable to give so much power to the under-secretary of the Lord-lieutenant. Surely the noble Lord must be well aware of the great power and responsibility of the office of under-secretary. If he (Lord Plunkett) were asked which of the two officers was the more important, he would say, considering how frequently the chief-secretary was necessarily compelled to reside in England, that the under-secretary was for practical purposes in Ireland the more important person of the two. The powers now proposed to be exercised by the under-secretary were at present, if he was not much mistaken, exercised by the divisional magistrates of Dublin. As to the statement, that the under-secretary was to have a discretionary power over the numbers and the salaries of the Police, he admitted it to be true; but that seemed to him less objectionable than the present system, which was admitted on all hands to be defective. The evil required a remedy; and unless some great evil could be pointed out, as the consequence of the remedy proposed, no further delay ought to be interposed. He trusted that the Bill would be allowed to pass, and that the acknowledged evil of the present Police system might be duly remedied.

The Duke of *Wellington* said, that this Bill could hardly be passed without their Lordships knowing something of the opinion of the Corporation of Dublin concerning it. No notice had been given to that Corporation, nor to the inhabitants. The Police of the city of London was regulated by the authorities of the city of London, and the Police there was managed on a plan very different from that of the city of Westminster, and the rest of the metropolis. They could not tell whether the people of Dublin preferred the system of Police in London, properly so called, or in Westminster. The distinction was considerable; and how could their Lordships give them one system or the other, without knowing which they preferred? He objected to the Bill being carried forward, because their Lordships did not know what was thought of it in Dublin.

The Earl of *Wicklow* was very sorry for the opinion which had been stated by noble Lords on his side of the House. He believed that the inhabitants of London approved of the system of police in Westminster, and had adopted most of its rules, and therefore, though the distinction which the noble Duke had alluded to did exist, that alone did not seem to him sufficient to warrant their refusing to pass this Bill. He wished, as he believed all did who knew the Police force of Dublin, for some improvement in the construction of it. He thought that the Bill might be allowed to be read a second time, and might then go into Committee, where the details could be fully considered.

Lord *Hatherton* said, that the Corporation of Dublin could not be taken by surprise, for that the late Government had felt strongly the defective state of the Police, and the necessity of altering its constitution, and the existence of that feeling was not unknown to the Corporation.

The Earl of *Roden* agreed that some change in the Police system of Dublin was desirable, but at the same time he concurred with the observations of his noble Friend (the Duke of Wellington), that some inquiry ought to be made as to the opinion of the Corporation of Dublin. The Corporation had received no notice of this measure. The late Government, it was said, had directed its attention to this subject. If so, the present Government ought not to have delayed introducing the measure till the last day of August, so as to give them no time to go into it.

The Earl of *Haddington* said, that he did not think there was any pressing necessity for this Bill, to make them adopt it at this late period of the Session, without further inquiry. Dublin was an extremely tranquil town, except on occasions of great political excitement, but still it was true that it wanted a preventive police; for there were always many petty larcenies against which there was no guarding with the present state of the police. If he had continued at the head of the Government of Ireland, he should have directed his attention to that point. He was not prepared to say that this might not be a good Bill, and he was unwilling to vote against the second reading; but when it was stated that the magistracy of Dublin knew nothing of the Bill, he did not think that it ought to be pressed at this late period of the Session. If their Lordships were, as a deliberative body, to have their share in passing Acts for the good of the people, they ought to have proper time given them to consider those Acts.

Lord *Plunkett* said, that until the observation made by the noble Duke, he had not heard that there was any objection to the Bill on the part of the Corporation of Dublin. The Bill had passed through the regular stages in the House of Commons, and there were persons in that House peculiarly competent—the recorder of Dublin for instance—to make any objection on the part of the Corporation of Dublin, yet none such had been made. The Bill was for the cure of an evil acknowledged by all to exist; then why, he again asked, should they delay a remedy to which no positive objection was made?

Lord *Farnham* did make a positive objection to the discretionary power vested in the Lord-lieutenant's Secretary and under-Secretary. He admitted that there ought to be a change in the system of the police, but he objected to this change, introduced at this late period of the Session; and if the Bill were pressed, he should move that it be read a second time this day three months.

The Earl of *Wicklow* had certainly said that the Amendments on the present system, contained in the Bill, were desirable; but at the same time he must say, that if the Government was conscious of having introduced the Bill without fully consulting the Corporation of Dublin, he could not see how he could support the Bill, and he hoped that it would be withdrawn.

Viscount *Duncannon* had not had any direct communication with the Magistracy of Dublin on the subject; but they knew of the provisions in the Bill, and had made no objection to them. It could be no secret to them; for it was a month since that his noble Friend, the Secretary for Ireland, had opened the Bill fully to the House of Commons. The Corporation of Dublin had been aware of an intended alteration; for in the month of November, 1831, an inquiry was instituted into the state of the police of Dublin, with a view to effect some improvement in it. He certainly could not consent to withdraw a measure which he believed to be absolutely necessary. As to the delay charged against the Government, he observed, that important as this Bill was, there were others of even more importance which the Government had been compelled to introduce before it.

Lord *Brougham* said, that the lateness of the Session was, in some cases, a proper objection—as for instance, in the case of the Imprisonment for Debt Bill,—but it was not equally applicable in all cases. It did not appear to him to apply in the present case; and the Bill ought to be met in a more manly manner than it had been.

The present system of police was admitted to be bad; the remedy to it was not objected to; but it was merely said that the remedy was brought in at a late period of the Session, and therefore ought to be rejected. The conclusion from the reason about the lateness of the Session was, that blame was due to the Government on that account, not that the Bill ought to be rejected—that the Government ought to be censured, not that the people of Dublin should still suffer from a bad police. Their Lordships might put off the Bill for a week; his noble Friend did not object to that; but they ought not to put it off all at once for the Session, in order that they might say they had the pleasure of defeating the Government.

The Earl of *Winchilsea* believed, that, on the question of the merits of the Bill, he might be favourably disposed if he had full time to consider them, but he had no information on the state of the police in Dublin. This, however, renewed the old question, to which he wished that more attention was paid—namely, that some understanding should be come to as to the state of the business. He begged to say most distinctly that he could not give his support to any measures where he had not full time to investigate them.

The Duke of *Richmond* said, that the objection now made, might have some weight if the Bill were at its third reading; but this was only the second reading. The Recorder of Dublin had written to a noble Lord to say, that he had received a copy of the Bill; and possibly to-morrow or the next day, the post might bring a full statement from the learned Gentleman of his objections to the Bill, if he had any. He (the Duke of Richmond) objected as an individual to undertake the responsibility of throwing out this measure, proposed by the Government for the purpose of better securing the peace of the capital of Ireland. The Ministers had introduced a Bill in lieu of that called the Coercion Act, and they made themselves responsible for preserving the peace of Ireland. He wished to make them responsible, and not to take the responsibility off their shoulders and put it on his own, by throwing out a measure which they introduced for the purpose of assisting in preserving the public peace; and which their Lordships were now about to throw out solely on the ground of the lateness of the Session. Why not give the Bill a second reading, and go into Committee; and perhaps letters might arrive from the Dublin Corporation, approving of the Bill, He agreed that the final stages of the Bill should be put off, to give the opportunity of a communication with Dublin, but he thought that the Bill ought not now to be rejected. The inhabitants of Dublin had a claim on their Lordships for a measure of this kind; they had a right to have a good police; and this was not a question of party—of one administration or another—but a matter of the government of the country. They ought not to throw impediments in the way of measures admitted to be, as this was, for the good of the country, merely because such measures were proposed by the Government. If they did not like the Government, the manly way was to turn out the Government, not to stop measures of this kind merely because they were proposed by the Government.

The Earl of *Limerick* said, that he knew of no pressing necessity for passing the Bill at this moment. There had been great meetings in Dublin; and yet, with one exception, he had heard of no outrage at any of them.

Lord *Brougham* said, that if their Lordships threw out the Bill this night, they might find themselves in this situation; on Friday they might receive a satisfactory answer from the Corporation, and then regret that the Bill had been rejected.

The Marquess of *Lansdowne* said, the course proposed was simple, and he thought free from any reasonable objection. If it turned out that the Corporation had not been communicated with on the subject, then he apprehended that this Bill would not be passed; but if they had been, then he apprehended their Lordships would be glad to have advanced this Bill one stage with a view to its been carried into full effect.

The Marquess of *Londonderry* believed, that the object of the Bill was to create patronage for the Government, which would be disposed of in the way recommended by Mr. O'Connell.

Viscount *Duncannon* put it to the noble Marquess, whether he considered it a sufficient ground for such a suspicion, and for opposing this, or any other Bill, that it had the support of Mr. O'Connell?

Bill read a second time.

IMPRISONMENT FOR DEBT.] Lord *Lyndhurst* had to present a Petition from the debtors confined in Horsemonger-lane gaol for debt, praying their Lordships to pass the Bill for the Abolition of Imprisonment for debt. He must, however, say, that he thought it impossible this Bill could pass in any shape during the present Session. Their Lordships would probably agree with him when he told them that it empowered the Crown to appoint fifty Commissioners, and besides these Commissioners, fifty Registers, and in addition, fifty other officers, called Ushers. There were also various other officers mentioned in this Bill. It appeared to him that before they could pass a Bill of this kind, which varied so greatly from the existing law between creditors and debtors, which imposed so vast a burden on the country, and which placed so much patronage at the disposal of the Ministers of the Crown, they must give to it more consideration than there was the least possibility of their being able to give it this Session. It had been said, that the late Attorney-General approved of the Bill. He had made an inquiry as to that statement, and found that though his hon. and learned Friend certainly was favourable to an improvement in the law of arrest, yet he was by no means so to the provisions of this Bill, in which he thought it necessary that many alterations should be made. He was informed that there were only forty Members present in the other House when the only discussion took place which had occurred on the Bill, and their Lordships might see from the journals that an hon. Member moved that the House be counted. The third reading of the Bill was appointed for twelve o'clock in the day, and though a learned Friend of his, who was highly qualified to deliver an opinion on the subject, requested a postponement of the Motion, not being able to attend, the learned promoter of the Bill refused to attend to his request.

Lord *Brougham* thought the noble and learned Lord must have been taking another lesson from the attacks which had been made on the Commissioners appointed to institute an inquiry into the Municipal Corporations; for observations more calculated than were the noble and learned Lord's to mislead those who had not attended to what had passed in this House on this subject he had never heard. Would not any one think from the speech of his noble and learned Friend, that the Government and the promoters of the Bill were pressing to pass it—were impatient of any postponement—were earnestly urging it forwards this Session—were positively refusing to allow of any delay. His noble and learned Friend had gone into a particular statement of what had occurred elsewhere, his object being to show how anxious the Government were to press the Bill, and to have placed at their disposal 150 offices. What was the fact? His hon. and learned Friend proposed to him to take charge of the Bill—he not being connected with the Government, but having originated the commission and in a great measure the Bill itself, he did take charge of the Bill, and he would ask their Lordships in justice to say, whether the first time he proposed the Bill he did not propose to postpone it. Every time he had mentioned it, he did so with an expression of regret that at so late a period he felt they could not go on with the Bill, with the least hope of doing it justice. It was true, a number of officers were to be appointed, but they were necessary. With regard to the Commissioners he might remind their Lordships that this Bill was to have been an adjunct to his other Bill—the Local Courts' Bill. Now if there was any man in this House who knew what became of the Local Courts' Bill, and the fate of it lay heavy on his conscience—that man was not himself. He never had said that Sir Frederick Pollock approved of the provisions of this Bill, but he did say that the Bill originated in the report of the Common-law Commissioners, appointed partly by his noble and learned Friend, and afterwards by himself, and four out of five of whom reported in favour of those principles and provisions on which this Bill was framed. The debate might have taken place at a late period of the night on the second reading, but he was informed that in one day it was for eleven hours under discussion, in a Committee of the whole House, and that it underwent the most anxious and elaborate consideration for weeks in a Select Committee. He did not intend to press the Bill this Session, because he was aware that it could not pass. As to the expense of this Measure, he thought he could pledge himself to show to their Lordships that the saving which would be effected in the property of both creditors and debtors would amount to between 200,000*l*. and 300,000*l*. a year.

Lord *Lyndhurst* never regretted the course he took with respect to the Local Courts' Bill, and it formed another ground of objection to the present Bill, that its machinery was obviously constructed with a view to its being engrafted on the very measure which he had so strenuously opposed. It was true the Government had not said a word about this Bill, with the exception of his noble and learned Friend, who certainly was not part of the Government, however intimately he might be connected with it; but on the other hand, he found that their Lordships' Journals were to be searched, with a view to a charge being made against them that they had not passed this amongst other Bills, this measure being one which his noble and learned Friend himself admitted was so complicated, and required yet so much consideration, that it was postponed necessarily. Such was the course pursued by his Majesty's Attorney-General, who was one of the Ministers of the Crown, though he was not a Cabinet Minister.

Petition laid on the Table.

HOUSE OF COMMONS,

Monday, August 31, 1835.

MINUTES.] New Writ issued. A New Writ was ordered for Waterford County in the room of PATRICK POWER, Esq., deceased.

Bills. Read a third time:—Oaths' Abolition; Parochial Workhouses; Customs' Duties.—Read a second time:—Militia Pay.

Petitions presented. By Sir GEORGE ANSON, Sir WILLIAM FOLKES, Sir G. GRAY, LORD J. RUSSELL, the ATTORNEY-GENERAL, and Messrs. R. WALLACE, DUNLOP, POTTER, BROTHERTON, HUTT, W. ORD, LEADER, GROTE, T. DUNCOMBE, HUME, COLLIER, BERNAL, W. WILLIAMS, K. TYNTE, ELPHINSTONE, T. BARRETT, LENNARD, C. BULLER, O'CONNELL, ROEBUCK, HANDLEY, PARROTT, HAWKINS, R. WALKER, METHUEN, BLAMIRE, PEASE, WAKLEY, and Colonel GORE LANGTON, from a very great Number of Places,—against the Amendments of the Lords to the Municipal Corporations' Bill.—By Sir CHARLES BROKE VERE, Sir ROBERT PEEL, Colonel SIBTHORPE, Mr. LECHMERE CHARLTON, and Sir HENRY HARDINGE, from several Places, for preserving to each Branch of the Legislature its own co-equal and independent Powers.—By Mr. FRESHFIELD, from Banbury, against the Municipal Corporations' Bill.

CORPORATION REFORM.—PETITION.] Mr. Marshall presented a Petition which emanated from one of the largest and most respectable meetings ever held in Carlisle, praying the House to reject the Corporation Bill as amended by the Lords.

Mr. *Phillip Howard* could bear testimony to the deep and bitter feeling which pervaded that and the neighbouring counties, in consequence of the manner in which the Bill had been mutilated in the House of Lords. He (Mr. Howard) was not one of those who thought that the popular cause could be benefited by rejecting all concession or compromise, but he thought the House should resolutely stand by the leading provisions of the Bill. He trusted they should hear no more of the reign of Aldermen after to-night. All the counties on the borders were deeply interested in the restitution of those rights of local government which they had formerly enjoyed.

Petition laid on the Table.

CORPORATION REFORM, LORDS' AMENDMENTS.] The Order of the Day for taking into consideration the Lords' Amendment to the Corporation Bill having been read,

Lord *John Russell* spoke to the following effect: I rise, not without considerable anxiety to propose to the House the consideration of the Amendments made by the House of Lords to a Bill which passed this House for the regulation of Municipal Corporations in England and Wales. I feel that this question does not come before the House as one comprising only the benefit or the mischief of certain alterations introduced by the other House of Parliament. The many petitions presented to this House, some of which I have had the honour to lay upon the Table, numerously signed, show that a great degree of excitement prevails upon the subject, and that there is a dread, a more than an ordinary dread, lest agreeing or assenting in any manner to the changes made by the House of Lords, we should in any way compromise or forfeit our character as representing the people whose interests we are sent here to support. I must say, that this feeling has grown to a great degree of excitement in many places, and if in some respects it has been carried beyond what I think the exact importance and value of the Amendments we have to consider, I believe it has been caused in a great degree by the manner of proposing, no less than by the matter of these Amendments. I feel persuaded that if the Bill which passed this House, had been at once taken into consideration by the House of Lords, and if they had made simply such alterations in it as appeared to them to be necessary, to correct any defects or to add any improvements to its framework, the temper with which those Amendments would have been received would have been very different from the temper which now exists. I am sorry to say, however, that though the Bill, now returned to us, was not immediately opposed in the House of Lords in principle, there were sent through the country opinions so disparaging to it as had been approved of by this House, so injurious to the people whom it was to enfranchise, that great irritation was felt, and that irritation, I must say, was increased ten-fold when a Gentleman was called to the Bar of the House of Lords and there permitted to indulge in language, not only such as might be necessary for defending, as he might have had a fair title to defend the rights of any persons affected or injured by the Bill, but language which I think, one House of Parliament ought not to permit to be used in respect to the proceedings of the other, and which, if any one should propose that we should permit counsel at our Bar to use respecting the House of Lords, I should object to, because I would not allow the other branch of the Legislature to be insulted at our Bar. Proceedings of this nature, followed by the calling of a number of persons as witnesses to the Bar of the other House of Parliament—persons who could only have one opinion respecting these Corporations—did, as seems to me, create, and I think justly create, a feeling of irritation among a large portion of the people, begetting an idea instead of merely considering the public injury or benefit of the provisions of the Bill which we had sent up, an opportunity was taken to disparage us, the representatives of the people, in the eyes of the country. It is not my intention to allude further to this subject; I wish to consider in my subsequent observations the various Amendments made by the House of Lords, and whether it may or may not be our duty, consistently with the great principles of the measure which we have approved, to adopt or reject their Amendments; but I thought that, in the position in which I stand, I should have been in some degree betraying what is due to the character and dignity of this House if I had not taken some notice of the proceedings to which I have alluded. With respect to the Amendments themselves, which are embodied in the Bill which we have now before us, there is a great distinction to be taken—and I wish at once to take it—between those parts of the Bill which go to constitute the future governing body for these Corporations, in the place of those bodies which are established by the old charters, and those other facts which necessarily came before us in considering the subject of Municipal Reform. In the latter division I include the provisions respecting the property which has been hitherto enjoyed by freemen in common—the right of voting for Members of Parliament—and some others, subjects to which I shall hereafter allude. The first division—that referring to the governing body—is, in my opinion, the most important for us to attend to; and if we can make up our minds that, by the introduction of certain alterations, and by the rejection of certain Amendments which have been proposed—the Bill, as sent down to us by the House of Lords, might be moulded into such a shape as to give us a governing body, which should for the future, conduct the administration of these towns in such a way, that they may for ever be and remain well and quietly governed; and if we can convince ourselves that a great reform of present grievances and abuses can be so obtained; and that for the future, this country would have within it Municipal Corporations acting with integrity and vigour, capable at once of securing the interests of those inhabitants over whom they preside, and of preserving the peace within their boundaries to the general benefit of the King's subjects—in that case I should say, that we ought to consider the Bill with the sole view of endeavouring to obtain that great end. I would hold myself entirely unmoved by those irritating passions which have led some to reject provisions because they had been proposed by others; I would throw out of sight and out of mind what might have been the original proposition, and whether that proposition were in the abstract the best which could be adopted or not, and I would say this for the sake of the welfare of this country, and that we may not from year to year have this subject of contention renewed among us—a subject of contention which not only affects the persons and the subjects treated by this Bill, but goes far beyond them, and extends over the whole surface of the country, and goes far beyond those subjects into questions of the power and privileges of the Legislature, and the use and exercise of that power and the privileges by its different component parts—in order, I repeat, to get rid of such a topic of passion and excitement, and with the view of obtaining a good governing body for the future, I am ready to forget and forego every argument that I may have heard in favour of the propositions which were carried from this House. But there are certain Amendments among those made by the House of Lords in this part of the Bill which I think would prevent it from attaining the end which I have declared to be indispensable. I consider as totally incompatible with the object which I have pointed out, the keeping up in any way, and by any title, under the propositions of this Bill, of those who have hitherto been considered as Aldermen, or parts of the governing body. In the first instance, as a question of principle, our Bill went on the general proposition of founding the future municipal body on a large popular basis; and if persons are to be so introduced by one of the amended provisions of the Bill, with no other title than that of self-election, on which they have for the most part hitherto held their places in the governing bodies, and if they in the meetings of the Corporation, are, as they necessarily must be, brought into contact with others elected under a popular system, such a mixture, so far from tending to harmony, can tend only to embarrass, disturb, and weaken the action of the municipal body, which we wish to be powerful and which we wish to be popular. A similar observation, I should apply to another amendment introduced by the House of Lords—I mean that relating to Town-clerks. It is provided by one Amendment, "that the persons now holding the office of Town-clerk in the Boroughs mentioned in schedules A and B to this Act appended, shall be continued in and shall hold such office during their respective good behaviour; and that all the charters, deeds, muniments, and records of every Borough, or relating to the property thereof, shall be kept in such place as the Council from time to time shall direct, and the Town-clerk for the time being shall have the charge and custody of, and be responsible for the same." Another provision is "that the Town-clerk shall not be disqualified for acting as clerk to the Justices;" and again, "the Council shall appoint a Clerk of the Peace, if the Town-clerk of such Borough shall decline to act as such Clerk of the Peace." On the subject of registration, it is provided that a registrar shall be appointed—unless the Town-clerk shall act as such. Now, I have no particular enmity to these Town-Clerks, though the other House has looked on them with especial tenderness; but I think that appointing of Town-clerks' irremoveable by the Council would tend to nothing but discord. The circumstance of the Town-clerk having the custody of the charters and muniments, and being enabled by the knowledge which he necessarily possesses to prevent the Council from entering into examinations which might be desirable, would be a cause of perpetual irritation, not only to the Council, but to the Borough generally, and quite contrary to the principles on which we originally brought in the Bill, and which met the approbation of this House. The remark which I have made in reference to the continuance of Aldermen and Town-clerks, will also apply to the continuance of justices for life who are such in their corporate capacity. With respect, however, to all those persons, while we ought not, in my opinion, to make any legislative provision for their continuance, we should be understood as by no means saying that they are persons who would be disqualified from holding in future the same situation which they have hitherto held. If there be men in the situation of Aldermen who, by their respectability of character and their situation in the town, have obtained the esteem and confidence of their fellow-citizens, no doubt they may become such again; if there be a Town-clerk who has discharged the duties of his office with advantage to the Borough, it may be proper that the Council should appoint him again to exercise its functions; and if there be justices to whom the magisterial powers ought to be continued, it will be in the power of the Crown to continue them in the possession of their office. I have stated thus the alterations which I think are quite inadmissible, because it is impossible, under their operation, to have a new body which shall be free from the influences of the old one, and because they confound the reformed and the unreformed Councils of the Boroughs. For my own part, I can say that I would rather, in respect to this portion of the Bill, wait to reform the whole, and leave the present body unreformed, than take a body partly created by new election, and partly consisting of those elected under the old corporate system. I then come to those alterations by which, setting aside the point relating to existing Aldermen, it is proposed to constitute the new body for the future. It has been proposed by the Amendment of the House of Lords to constitute, by the election of the Council, Aldermen for life. The objection to that proposition is obviously this—that if you appoint them for life they may become negligent of their duties, the performance of which should secure them the attachment and confidence of their fellow-citizens; and, therefore, not being of opinion that such an arrangement would be a good or a wholesome one, I shall propose not the rejection of the proposal, but its Amendment, so that there should be a body of the same number as suggested in the Amendment of the House of Lords—namely, amounting to one-third or one fourth of the whole number of the Council, which body should be chosen by the Council for a period of six years, one-half of those chosen going out at the end of three years, so as always there should be a re-election of one-half of the number of Aldermen every three years. The object of the arrangement is to secure that there should be some part of the Council not deriving their office immediately from popular re-election and having a rather more permanent character than those who do depend immediately on popular election; and that object will, I think, be gained by the Amendment which I propose, while at the same time the inconvenience, and as I deem it, the misfortune of having persons chosen for life irremovable and irresponsible, will be taken away. Another alteration from which I do not propose to dissent, although I think that it goes much too far, is that respecting wards. It will be recollected, perhaps, that at the suggestion of my noble Friend, the Member for North Lancashire we did much enlarge the number of towns to which the principle of division into wards should be applied, by diminishing the amount of population which should be essential to its application in any particular town; and we sent the Bill to the House of Lords with this proposition, that where there were 12,000 inhabitants, there the borough should be divided. My noble Friend proposed that the number should be 10,000, one not differing much from that which I proposed, and which the House adopted. The proposition made by the House of Lords is, that the number should be 6,000, thus carrying the principle of division into wards further, in my opinion, than is warranted. I shall propose, therefore, that we should take a mean of 9,000, as the number to which the principle of division should be applicable. There is another amendment which has been made in respect to justices being recommended by the Council; it was proposed by the original measure that justices should be recommended by the Council, and that not till they had received a Commission from his Majesty should they be entitled to act in the magisterial capacity. This proposal of ours has been struck out by the House of Lords, and the provision is left thus—that the Crown shall at once nominate the justices of the peace for the boroughs. We are of opinion that it would add much to the satisfaction of these towns if the Council had the power of appointing those persons on whom they thought it right that the functions of justices should be conferred. It has been, however, represented—and in that speech to which I have alluded as having been made at the Bar of the House of Lords—that the proposition which we made in this respect, involved an infringement of the prerogative of the Crown. The fact is directly the reverse. In most places, those who are justices of the peace, by any corporate rights, derive it from election, made without reference to the Crown, though, it is true, under the royal charter; but in the same manner we might have proposed that the Councils for the boroughs should at once have nominated certain persons from themselves to be justices, without any reference to the Crown. In the latter case the justices would only be deriving from Parliamentary enactments, with the assent of the Crown, while at present they derive from Royal Charters. We proposed to give to the Crown the power of approving or disapproving of the nominations made by the Council, thus recurring to the prerogative what I think to be one of its rights, as well as a wholesome control respecting the persons who are to act as justices in the country,—but, at the same time, we did not deprive the Councils of towns of the power of recommending such persons as they should think fit to be intrusted with the magisterial functions. I confess that I do not see on what ground the amendment had been made by the House of Lords. On full reflection, I see no reason for abandoning the original proposition; therefore, I shall propose that we disagree to this amendment of the Peers. With regard to another alteration, relating to the boundaries of towns, and the manner of their division into wards, I think it to be inconvenient, but nothing more. It was originally provided, that upon a report made by certain Commissioners, the King in Council should have power to settle the boundaries of those Corporations not being Parliamentary boroughs. An amendment was proposed, though not adopted, in this House, that that settlement should be arranged only by Act of Parliament. The House of Lords seem to have adopted the principle of that amendment; and the consequence will be, that in those towns for which the Parliamentary boundaries are not taken, considerable inconvenience will be felt at the first election, and those places and parts of towns which ought to form portions of the municipal borough will be for a time excluded. I think, however, that we ought not to meet this amendment in anything like a captious spirit; and I shall, therefore, propose that we agree to it. With respect to the division into wards —there was at one period a proposition introduced into the Bill in the House of Lords that the division should be effected by the county justices; that would be, in my opinion, a most unfortunate arrangement—one leading to nothing but confusion, and which the county justices would necessarily be most unwilling to undertake the working of, as it must expose them to great obloquy. It is proposed, however, by the Bill now sent down, that the duty should be performed by the revising barristers. To that proposition I have no objection; but as some of these individuals are young and inexperienced men, I should be unwilling to leave a final decision in their hands, more especially as there is a power conferred on them of altering in a certain measure the number of wards and the number of Councillors to each ward. I should propose, therefore, that the reports should be made to the King in Council, and if confirmed should then have the force of law. I now come to another portion of the alterations, and it is that portion in which I own that I have had more doubts than I have felt respecting any amendments made in the other House of Parliament—I mean that relating to the question of qualifications for Councillors. It will be remembered that that was a question very much debated in this House, and that the right hon. Baronet opposite—the Member for Tamworth—whom I will take this opportunity of saying I am most rejoiced to see present to night—proposed a qualification not differing materially from the average of those qualifications which he found in Local Acts, giving at the same time the alternative, that there should be a certain amount of rating and a certain amount of property in some boroughs, and a superior degree of rating and a higher amount of property in others. I think that his proposition was not liable to more objection than any qualification is liable to. I stated to the House at the time, and my friends around me stated, the grounds on which we thought it better that no qualification should be required; and the principle for which we then contended, is one which I think must sooner or later be adopted by the Legislature in respect to elections of this kind, and which is so sound in itself that it may be left to work its way. If you leave it to the elector to choose a person of sufficient abilities and character, you leave it to him also to choose a person of sufficient property when property is required; and in many places abilities and character supply the place of property. But at the same time I am quite aware of the truth of what the right hon. Baronet stated at the time, that qualification has been in a great many Acts of Parliament the rule laid down, and that there are still a great many persons who think that some qualification ought to be taken. Feeling, however, that the principle which I have already spoken of must ultimately be adopted, and yet seeing what has been the course of the Legislature hitherto upon this subject, I certainly have made up my mind not to resist an amendment which shall contain a qualification. The amendments made in the House of Lords have themselves varied considerably on this point. The first alteration provided that no persons should be qualified to act as Councillors, unless they were contained in a list comprising only one-sixth of the rate-payers. This is obviously liable to the objection of its pointing out a certain number of persons, and distinguishing them from the rest of their fellow-citizens—that is, in point of fact, saying to a man, "You must be rated at a certain amount to be eligible"—but "here is an aristocracy, and unless you belong to it, it is impossible for you to hope to be a Councillor." I think that there is something invidious in such a proposition, and coming as it did from an "hereditary tribune" of the poor, it is somewhat extraordinary that such a rule as it establishes should have been adopted. But since the Bill was printed in the form in which it contained this amendment, it went again through a Committee of the House of Lords; and in the form in which it was afterwards printed it contains another provision for the qualification, to which I must fairly say the same objection does not apply. It is this—that to be qualified, the party should possess a certain amount of property, in some boroughs 1000*l.*, and in others 500*l.* If this qualification were proposed in the same manner as suggested by the right hon. Baronet, being taken as an alternative to the other qualification which he mentioned, it would, in my opinion, be a fair matter for consideration, and I am prepared to say that I should give it every favourable consideration. But in looking into the Bill, and reflecting on this part of it, I find that it was introduced in a particular manner. [Sir *Robert Peel:* what is the Clause in question?] It is the 15th. If the right hon. Baronet will look at that Clause he will perceive that this is the manner in which the system of qualification there laid down is to be carried into effect:—that the overseers are to make out a list of persons qualified for Councillors, comprehending one-sixth of the whole number of rate-payers, those selected being the highest rated in the burgess-lists, and comprehending also all those having a certain amount of property—either 1,000*l.* or 500*l.*; that those claiming to be placed on the lists, on the ground of possessing that amount of property, should send in a claim to the overseer to have their names so inserted, and that their claims might be objected to before the revising barrister or the mayor, when the qualification and the right of voting should be examined. We certainly cannot say that the other House of Parliament are enemies to innovation; for this and the other proposition respecting the sixth class of rate-payers are undoubtedly as great innovations as ever were attempted. It is perfectly fair and intelligible to say that a man who possesses a freehold of the annual value of 40*s.* or who rents a tenement rated at 50*l.* a-year, shall be eligible; but to say that he must be possessed of a real or personal estate to the amount of 1,000*l.* or 500*l.* that he must bring forward his name as one claiming to be enrolled on the ground of possessing that estate, and that his claim so preferred shall be liable to objection and examination before the revising barrister, is, in my opinion, applying a principle totally new, and one which, in its application to persons in trade, in corporate towns of some considerable extent, cannot fail to be productive of an investigation most odious in its character, and most pregnant with evil consequences. I can suppose a case, in which a man coming before the revising barrister to substantiate his claim, might be exposed to an interrogation of the most unpleasant character. "Have you 500*l.* clear?—Do you not owe 150*l.* to Mr. Thomas?—Have you not bestowed some portion of your property on such an one?" These and other questions of the like kind would constitute an examination to which many persons might not be disposed to submit. And then, if they did not come forward to prefer their claim—if they said that they would rather abandon their pretensions than undergo such an examination, and if the lists were then put up in the borough purporting to be of all persons worth 500*l.* what then would be their situation? Men would say to each of them, "Oh Mr. Williams!" or "Mr. Tomkins!" as it might be—"I find that you are not worth 500*l.* your name is not in the lists." In short, Sir, it seems to me that the objections are strong in the highest degree to the introduction of this species of qualification—that it is, indeed, a very improper one—and one which in our country would not fail to produce the greatest evils. I do not say that it may not be possible so to amend this proposition as to make it work without producing evil; and I should wish therefore to reserve the consideration of the question involved in this particular amendment till to-morrow. For my own part I am quite ready, whether it may be proper or improper in me to yield on the principle of qualification, to consider and deliberate as to the admission of a property qualification; but I wish now to reserve the question as to the manner in which that principle can be best introduced, I hope, therefore, that those Gentlemen who are not prepared to object to all qualification will seriously consider the point as it now stands, that we may be enabled to offer some amendments to the present provisions in that respect. The other questions relating to the future government of the boroughs are not of so much importance as those which I have noticed, and I pass over to two or three other points on the other branch of the subject. There is an amendment proposed respecting property held by freemen, and there has been, I must say, a most unnecessary assertion introduced into the preamble of the Bill on that subject. Our Bill was sent up to the House of Lords with a general concurrence on the subject of everything relating to the inchoate rights of freemen, a subject which had excited much debate. The right hon. Baronet said on that occasion, "He knew it was difficult to suggest anything of which it might not be possible to show that some part of it was not in strict conformity with a general principle. But it seemed to be agreed by all parties that it was very desirable to make corporate property available for the benefit of the commonalty at large. There might be special cases in which the property had been given to particular individuals; but assuming that, by the original intention of the donors, the property was for the benefit of the inhabitants of the boroughs at large, it was admitted that, by very long prescription, of which they could scarcely trace the origin, this property had been appropriated to certain descriptions of inhabitants only, and that the right to participate in it was now only to be acquired by birth, servitude, or marriage. It appeared to him that it would be consistent with respect to the original destination of this property, at least it would be as near an approximation to the original destination as it was possible to arrive at, if the House were to establish this principle, namely, that those who were not now married should not hereafter by marriage derive any right to participate in this property; that those who had not yet entered into servitude should not have any such right; but that those who had so entered into servitude should be considered as having an inchoate right; and that with respect to birth, those now actually born should be put upon the same footing as those who had now actually entered into servitude; while those who should hereafter be born should participate in the property only so far as they were members of the commonalty at large."* I believe that that is not an inaccurate account of what was stated by the right hon. Gentleman, and it seemed to me, when I heard it, to be a very fair announcement of a principle on which the House might proceed. It was different from the principle which had been adopted by the Government; but we took the declaration of the right hon. Gentleman, and the rule on which the clause should be framed, and the clause so framed was sent up to the House of Lords, not on the decision simply of a majority of ten, twenty, or even 100 or 150, but as the deliberate opinion of the House of Commons at large. After that decision I do think that there was something most unnecessary in the declaration inserted by the House of Lords into the preamble of the Bill—" that the common lands and public stock of such cities, towns, and boroughs, and the rents and profits thereof, have been held and applied for the particular benefit of the citizens, freemen, and burgesses of the said cities, towns, and boroughs respectively, or of certain of them, and have not been applied to public purposes; and it would be unjust to deprive such persons of their rights of property, and to apply the same to other purposes." Thus to recite in the preamble of the measure that our proposition is altogether unjust, is, I think, one of that class of wanton amendments to which I certainly shall not agree. I shall not make any opposition to that part of the amendment which reserves the common lands to the sons of freemen, although I think it an alteration much for the worse. I do so on the principle which I have already laid down, of endeavouring to secure a good municipal government in future. That part of it, however, which applies to exemption from tolls, I think most injurious. To the amendment which continues to freemen the right of voting for Members of Parliament, I shall not propose to disagree. I stated my objection to the proposal when it was made to this House; but it is not a question immediately connected with the government of Corporations. There is one amendment, however, not affecting the future good government of the towns—one incidental to the Bill, and from which great practical harm would not, indeed, result; but which is, at the same time, so repugnant to principle, that I cannot consent to ask the House to agree to it—I mean that by which it is proposed that none of the governing body of Municipal Corporations should present to livings, except such as are members of the Church of England. It will be recollected by many, that when I proposed the repeal of the Test and Corporation Acts, a declaration was proposed by the right hon. Gentleman opposite, to be taken by all persons in lieu of the Sacrament of the Lord's Supper. I agreed to that proposition, on the ground that it was a declaration to be taken alike by Churchman and Dissenter, and that it would not establish any odious line of separation, by requiring from the Dissenter one declaration, and from the Churchman another—and thus instituting an inquiry into a man's religious opinions. Considering the great principle which was then established, I do think that by departing from it as proposed by the amendment of the Lords, not only would considerable dissatisfaction be created between two bodies of the Council, but that in fact a state of religious dissension would be fomented and kept alive. On this question, therefore, I feel it my duty to oppose the amendment of the Lords. I have now gone through the various amendments of importance which have been made by the Lords, and I have stated to the House the view which I take in connexion with them. I shall propose that we postpone those early amended clauses, and at once proceed to that which continues the present aldermen for life, which, as I have said, in my opinion, is liable to insuperable objections. I have stated other amendments to which objection can also be made, but I trust that by the various concessions which his Majesty's Government are disposed to make on this subject, I have shown that they are not unwilling to come to a settlement on the subject of this Bill, which shall not prevent the future good government of corporate towns, and which shall not lower the dignity or impair the character of either House of Parliament. But if these concessions shall not be deemed sufficient, and if the House of Lords insist on their amendments, I shall not regret the course I have taken. I have been anxious in describing the course taken by the other House to guard the rights and dignity of this House; but I think that no loss of dignity or character will ensue to us, if we show that we are ready to discuss in a temperate tone, and retreating from some of our own professions, those amendments which have been made in the other House of Parliament, I think that if the present constitution of this country—the constitution of the three estates—is to continue, it is only in this manner that we can hope to see great legislative improvements effected. I have been of opinion that before the Reform Bill, and since the Reform Bill I remain of opinion that great reforms are necessary, and that there are great and notorious abuses which require to be corrected. But, Sir, it is my wish, and I believe it is the wish of the great majority of the Members of this House, and of the people of this country, that these reforms should be carried into effect in a spirit of peace; not disturbing the occupations, and not interfering with the industry of the people on the one hand, and not, on the other, curtailing the constitutional powers bestowed on either branch of the Legislature. I have seen nothing, notwithstanding the angry discussions which have occurred relative to this measure, and with respect to some of the amendments which have been made in it, to induce me to give up the great and consoling hope that reform can be effected in this manner; but if it should not be so effected—if I be disappointed in this hope—it will never be a source of regret to me, as the friend of reform, and the advocate of improvement, that I have not insisted on any extreme right, and that I wished to carry these improvements into effect on terms of conciliation, and in the sincere desire that the constitution of this country may be preserved and perpetuated.

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* Hansard, vol. xxviii. p. 1186.

Sir *R. Peel* began by observing, that the noble Lord in the speech which he had just delivered was pleased so far to compliment him as to express some satisfaction at his being present for the purpose of taking a part in their deliberations on that occasion; and if that satisfaction was founded in the belief that he should aid in making a settlement of this Question (so far as his humble powers might enable him so to do)—that he should aid that settlement, which was perfectly consistent with the honour, the dignity, and the independence of both Houses of Parliament —the noble Lord did him but justice in attributing to him such motives. He did feel it to be his duty to be present at the discussion, because he did entertain a hope that there were elements for a satisfactory arrangement on this subject. He appeared there also for the purpose of resisting, in case it should be made—though he did not expect it would be made, and the tone of the noble Lord's speech almost convinced him that it would not be made, —he appeared there for the purpose, he repeated, of resisting, if it should have been made, any measure or resolution calculated in the slightest degree to interfere with the honour or independent character of the House of Lords as a branch of the Legislature. In the maintenance of that independent action he believed the prosperity of this country and its good legislation to be intimately involved: and he also believed that any attempt to subvert the one would terminate in the speedy ruin of the other. He did not, however, hesitate to pay the House the willing compliment of believing that, notwithstanding the menaces and denunciations of the press, their superior judgment would prevail, and that a vast majority of them would refuse to be a party to any proceeding calculated to destroy, or which at least would afford a precedent for the ultimate destruction of that happily mixed and tempered form of Government under which the empire had so long flourished. Much of the noble Lord's speech, he was bound to say, he had heard with great satisfaction; but he was bound also to say that there were some parts of it which he wished were omitted, because they interrupted what, but for them, would have been perfectly harmonious. There were some parts of the noble Lord's speech, referring to the other House, which he considered hardly justifiable. He repeated, that he thought the language of the noble Lord not justifiable, if it were only that the tone and temper which characterized the part of the noble Lord's speech in which he alluded to the House of Lords were not in concurrence with the sentiments expressed in the remainder of it, and appeared to be the result of a departure from its general tenour. It was scarcely in his opinion necessary to allude so minutely to the proceedings of the House of Lords, or to throw upon the House of Lords the responsibility of expressions used by Counsel at their Bar.—[*Interruption.*]—He was stating his opinions, and he trusted not exaggerated opinions, upon the noble Lord's speech, and he would not be deterred from so doing by any interruption with which Gentlemen opposite might choose to meet him. It was his right, as a Member of the House, when he concurred with the noble Lord's sentiments, to express, in such terms as he chose to employ, that concurrence; and it was equally his right, when he differed from the noble Lord, and whenever he thought proper to censure any part of any speech he might make, to claim and use a similar liberty. Freedom of speech was his privilege as a Member of the House, and that privilege, considering it to be the key to freedom of discussion, he was determined to assert whenever he saw it in the most trivial degree assailed. He contended that when the House of Lords once determined to hear Counsel at their Bar—and let him remind the noble Lord that one of the most powerful supporters of this Bill, and one who once occupied the Woolsack, was himself a party to the proceeding by which Counsel were heard at the Bar—he did not stop to consider whether it were a right or wrong course to hear Counsel; but one of the most determined supporters of the Bill was not only a party to the hearing of those Counsel, but the person who selected them,—but he contended that when the House of Lords had determined to hear Counsel at its Bar, it became an exceedingly difficult, if not impossible matter, to place any restrictions on what they might please to express. Nothing could be more dangerous or more unjust than to attempt to limit Counsel in the choice of that course which they might think it right to take, or in the use of those expressions, which they might consider it for the interest of their clients to employ. They might, if they pleased, have refused to hear Counsel at all; but having once permitted them to appear at their Bar, it was indisputable (and in this assertion he would be supported by every member of the profession) that no Counsel would exercise the privilege of pleading if interruptions were permitted, or if it were allowed to the tribunal before whom he was suffered to plead, on accusations affecting judicial rights, to delineate the course which they should be bound to pursue. There had been at former periods, Bills before the House of Lords—Bills, for instance, of Pains and Penalties—upon which Counsel were heard, who indulged in observations distasteful to the majority of the House of Commons, but on those occasions no attempt was made to dictate to Counsel what course they should adopt, or what language they should employ. He was not saying too much in asserting that such an attempt would have met with a signal resistance from some of the very party who now so vehemently exclaimed against the latitude allowed to Counsel in the case of the measure under discussion. In his opinion, it is much better for tribunals on all occasions to protect that great principle, which after all was the main spring of free discussion, and permit to Counsel charged with the defence of the interests of their clients, the free choice of their topics, and, at the same time, of the language in which those topics should be expressed. But let him entreat the noble Lord, on the present occasion, to recollect, as against the language and course adopted by the Counsel in the House of Lords, the fact—and it was a fact for which he could vouch—that out of deference to the wishes of the House of Commons many of the Peers waved objections they entertained to the Bill, their object in so doing being the preservation of those two great principles upon which the House of Commons set so much value—he meant those of popular control over the proceedings of Councils and of Annual Elections. Let the noble Lord recollect that those were considered by this House the main principles of the Measure, and let the noble Lord, at the same time, bear in mind that, notwithstanding any of the amendments introduced into it by the other House of Parliament, these still continued the most prominent features of the Amended Bill. It was hardly necessary, he conceived, for the noble Lord to have made any apologies for the concessions which he was willing to make, when he bore in mind that these two great principles of popular control and annual election had be confirmed by the House of Lords. He thought, indeed, that the noble Lord and the House of Commons should feel a stronger inclination to regard in a favourable light those amendments which had been made by the Lords, and from which they (the House of Commons) might, abstractedly speaking, be inclined to dissent, when they reflected that the House of Lords, habituated to take a different view of charters—yes, he repeated, habituated to take a different view of charters and vested rights, had relinquished those motives by which, under ordinary circumstances, they were actuated, from a desire to establish not only a good system of Municipal Government, but a system founded on such principles as they thought the House of Commons would be likely to approve. In estimating the amount of concession, he could never forget that it was an impossibility that both Houses should agree in every particular, and that it was nothing but intolerance and tyranny to deny to either the power of recording a sound and deliberate judgment on the measures which were submitted to its consideration. It was but acting in compliance with the true dictates of wisdom for each House to make such concessions as might be granted without the sacrifice of principle, and for both to join in following that course which might lead to the utmost mitigation of evil, and to the attainment of the greatest amount of good. If they could not effect that object, they must use their greatest possible efforts to accomplish it; but, above all, do not let them act on the presumptuous principle that they must be right and all others wrong, which was the foundation of all intolerance. So much he had said as to the general principle of the amendments which were made by the House of Lords, and he would next pass to the speech of the noble Lord. There was nothing, he was bound to admit, either in the tone or temper of the noble Lord's speech, or in the propositions which he laid down, or in those which he meant afterwards to submit, which should prevent the House of Lords from carefully reconsidering the amendments which they had introduced into this Measure. He meant to assert his own right of private judgment; but, whether he agreed to the amendments of the Lords or not, he should be ready and willing to consider them as the effect of decisions arrived at by a large majority of the other House of Parliament. He would then proceed to express his opinion as well as he could with respect to the more important proposals which the noble Lord had submitted for their consideration. The first was with reference to the amendment which directed the selection of aldermen for life. He believed he should most effectually (if he could do any thing towards conciliation) promote the possibility of a perfectly honourable arrangement on this subject by expressing clearly and decidedly his own opinions on this Amendment. As he said before he should with equal boldness express his concurrence in, or his objections to, the views which had been taken by the noble Lord. On that principle, then, he did not hesitate to say that he did not consider the introduction of Aldermen for life an improvement to the Bill. He felt bound further to say that if that proposal were made in the House, strong as his objections were to many parts of the Bill he did not think he could have supported such an Amendment. He did believe that the selection of a certain number of existing Aldermen, by the existing Councillors (existing at least in some cases), and constituting them by law a part of the new Council, to the amount of one-fourth, would imply a distrust, without conveying any security; and it appeared to him that it would place those Aldermen so selected for life in a permanent minority, and would countervail those advantages of character and station which would secure their return as Members of the Council, if placed upon a footing with the rest of the community, but which, under the proposed arrangement, would be more than counterbalanced, and even rendered completely nugatory by the fact that these Aldermen were forced into the Corporate Body without the consent of the community whose affairs they were to manage. It seemed to him also, that the placing for life those Aldermen to be selected by the existing Councils amongst the new bodies, was not in conformity with the general provisions of this measure. The noble Lord did not propose to reject altogether the Amendments made by the House of Lords, but that a certain number of the Council should be elected for six years—an alteration which, as it coincided with the principle of the present Amendment and with that of the Bill, would meet his approbation and he thought it was one to which the House of Lords ought to agree. With respect to the Town-Clerks, the Amendment respecting whom the noble Lord seemed to consider of the greatest importance, he felt obliged to express his disagreement from the. opinions expressed by the noble Lord. The noble Lord was obliged so far to admit the vested interest of the Town-Clerks, in their office as to grant them compensation for the loss of it. [Lord *John Russell*: the Town-Clerks were to receive compensation only in case of removal.] Yes, but was it not infinitely better to retain the individual who was able to perform the duties of the office, and to oblige him to fulfil those duties rather than remove him for the purpose of making room for another to whom the same amount of salary would in all probability be paid, while the Town-Clerk who was deprived of his situation was granted a considerable sum in the shape of compensation. He might refer to the authority not only of the noble Lord but to the unanimous authority of Parliament, in confirmation of his opinion on this point. So lately as the year, 1832, subsequently to the Reform in Parliament, when a measure of the most extensive Reform in the Corporations of Scotland was introduced, although many of the principles on which that measure was founded were more extensive than those of the present Bill, yet probably from a provident knowledge of the Scotch, and the consequent conviction that they would infinitely prefer paying the existing Clerk for performing the duties of his office, to giving him compensation for his removal from it and putting another in his place, who should be paid the same salary, Parliament paid the just and merited compliment to the people of Scotland of expressly providing that it would be lawful for the Town-Clerk who held office at the time the Bill came into operation, to continue to hold it *ad vitam aut culpam.* The third point in the noble Lord's speech, related to the nomination of the Justices. He considered the Amendment of the House of Lords in this particular part of the Bill to be one attended with great advantages. As they sent the Bill from the House of Commons these Justices were proposed to be invested by the Crown with certain local jurisdiction, but that the candidates for the office should be selected and nominated by the Town-Council. It was argued that this practice was in conformity with the ancient and continued practice of Corporations, by which the Justices were always chosen and appointed; but those who took this view of the subject forgot that by the ancient practice the Magistrates were really *ex officio*, for the charters which constituted the Corporations were granted by the Crown, and under these charters they were enabled to act *ex officio*, the appointment conferring on them judicial functions. By this Bill, however, as it passed the Commons, the Council was empowered to present a certain number of individuals to the Crown, and to confine the Crown in its selection to the persons whom they had chosen. A most invidious task was thus imposed on the Crown of rejecting a certain number of those submitted for appointment. He thought, therefore, that the unrestricted choice which was now allowed to the Crown was preferable; for where responsibility existed at all, it was infinitely better that it should be undivided than that it should be shared upon two separate parties. He must say, then, that it was a course which was more respectful to the Crown, and more likely to ensure a judicious selection of Magistrates, that the choice should be perfectly free, and not restricted to a limited number nominated by the Town-Council. He considered it quite right that the management of, and control over, local affairs should be intrusted to those chosen by the inhabitants; but it did not necessarily follow that justice would be better administered by those who owed their appointment to the men on whose rights and property they were called to adjudicate. This power was, in his opinion, properly vested in the Crown, which was constitutionally and justly considered the fountain of all justice. With respect to the division of the towns into wards, he saw no objection to the proposal of the noble Lord on this head, by which the King in Council was empowered to sanction the award of the Revising Barristers. He considered it desirable that in matters of this nature a power to amend or alter decisions made by Revising Barristers, who might be frequently young men of little practical knowledge on such subjects, should be granted to the King in Council. The noble Lord proposed to adhere to the principle of qualification, though by what mode that principle should be carried into operation he intended to reserve until to-morrow. He apprehended that the qualification of 1,000*l.* in large places, and 500*l.* in small places for Members of the Council, would be agreed to. With respect to that qualification which was proposed, by making those only eligible to become Members of the Town-Council who belonged to the one-sixth class of rate-payers, who paid the highest amount of rates, he thought it one to which, if it stood alone, great objection might fairly be taken. If these two qualifications, however, were joined, it might add considerably to the number of those who would be eligible to be elected to the Town-Council. If in addition to this change, a clause were introduced in conformity with the suggestion which he had formerly offered to the House that the candidates for the Council should be required not to undergo an examination into their pecuniary affairs before the revising Barristers (an ordeal which, sooner than submit to, they would, he believed, not wish to become Councillors at all), but to make a solemn affirmation instead of suffering an inquisition into their property—if these changes were made, he repeated, they would, he thought, be likely to answer the views of all parties. With respect to the tolls, the noble Lord complained that a great act of injustice had been done to the House of Commons by the Amendment introduced by the House of Lords. If any one had a right to complain of these alterations it was he, for the noble Lord had read an extract from a speech of his which was very accurate, and which conveyed his opinions in at least as good language as he could express them, and the noble Lord admitted that the principle of the appropriation of tolls was there clearly laid down, and should have been adopted. The House of Lords, however, were not of the same opinion; and he could conscientiously say that the change which they had effected in this part of the measure he did not consider to have cast the slightest reflection upon him. He thought it wholly unnecessary to impute, as the noble Lord had done, injustice to the House of Lords because they had altered the preamble of the Bill for reasons which they stated, and in conformity with their views on the subject. He really did not feel so extremely sensitive as to impute to the House of Lords an act of injustice to that House, and desire for spoliation, because they made alterations in that part of the Bill which the noble Lord stated to be in perfect keeping with his expressed opinions. "I hope I may be allowed to say," continued the right hon. Baronet, "in perfect good humour, that I cannot help entertaining a slight suspicion that the comments of the noble Lord on this part of the amendments introduced by the House of Lords were made by way of compromise with some of his more ardent supporters, and that he conceived that three or four hard words spoken against Sir Charles Wetherell and the unjust preamble of the House of Lords, would reconcile these Gentlemen to the adoption of the propositions which he laid down when they found the noble Lord so exceedingly vigorous in his denunciation of the other House of Parliament." With respect to the rights of freemen, the House of Lords, he found, took a different view from the majority of that House. He was perfectly willing to admit, as he had already said in the speech quoted by the noble Lord, that in many instances he should not object to the resumption of property by the commonalty, taking especial care that every legal and vested interest should, in the most scrupulous degree, be protected. He quite agreed too with the noble Lord, that after giving compensation to individual interests, or even by buying up the tolls if necessary, every member of a trading community should be placed upon a perfect equality in all commercial concerns. The noble Lord proposed to alter the Clause which confined the power of appointment to benefices under the control of the Corporation to Members of the Established Church. There he totally differed from the noble Lord; and while he consented to the adoption of the principle that no distinction in point of religion should be made where any secular office was in question, or where civil rights, or rights of trading, or any thing in the nature of civil employment or emolument were concerned, yet when the qualifications of the Ministers of the Church of England was the matter to be determined, if the right were to continue in Corporations, it was only proper and just to reserve it to the Members of the Church of England who belonged to that body; and he could not see the slightest reflection on the Dissenters in disqualifying them for deciding on the capabilities of a Minister of the Established Church. A cry of want of toleration was raised against this principle; but really there ought to be toleration towards the Church of England as much as towards the Dissenters. The toleration of the noble Lord was unilateral, and he ventured to say, that if certain chapels belonging to Presbyterians, Unitarians, or Independents, were endowed in this country, and that it was proposed that the choice of their ministers should be vested in him, it would be denounced as a proposition of the grossest intolerance, and it would be most justly and fairly charged against him that he had no right whatever to appoint Ministers of whose qualifications he could not possibly be a competent judge. Such an amendment, when proposed by him in that House, even the hon. and learned Member for Dublin assented to. The noble Lord, too, who he believed took an active part in those discussions respecting the veto, must recollect those passages in Burke, in which he referred to the members of one Church deciding on the qualifications of the ministers of another, and of the control over the Greek bishops existing at Constantinople; and the general principle which he laid down was, that dissentients from that Church could not have the same interest in securing good ministers; that they had not the same means of judging of their requisite qualifications; but above all, that their appointments would never challenge the respect or win the affection of the great mass of the members of the Church over which such a power was exercised. He believed he had now referred to most of the important points in the noble Lord's speech, and he should not have felt justified in taking up the time of the House on matters of detail, particularly when there would be in all probability a separate discussion on each Amendment, if the noble Lord had not taken a collective view of the whole of them; a course which he felt compelled to follow. He could not conclude without expressing an anxious hope that the perfect independence which they claimed for themselves would be willingly extended to others, and that all being at perfect liberty to consider these Amendments, they might arrive at the desired conclusion, that in the present Session of Parliament this question should be finally settled. He believed it to be the prevailing and unanimous wish of the country, wearied by political discussions and dissensions, that this measure should pass into a law. They might depend upon it, that in supporting the other branch of the Legislature in its independent character, they would best preserve their own dignity. The points on which they were at variance were comparatively immaterial; the great principles of popular control and annual election were approved of by both branches of the Legislature. After the Bill having been sent down by the House of Lords, if this question were not now settled, it must be settled in the course of the next year; and he believed that the measure would prove the more satisfactory to the inhabitants of the whole kingdom if it were completed now, and thus prevent that excitement and those party differences in every town in which it was intended that a new municipal body should be established. There was an additional reason for the settlement of this question. There were clauses in the Bill, which led many of the existing corporate bodies to believe that a serious encroachment on their rights would be attempted; and the consequence was that an opinion prevailed, which he considered to be one of great injustice to these bodies, that they would oppose every improvement as an aggression upon their rights and privileges. This impression, though unfortunate, was an additional reason why this question should be settled. Under these circumstances, his first wish on that occasion was, that they should uphold the perfect independence of the House of Lords with the same zeal as they would defend and protect their own privileges; and, if his second hope, that he might be somewhat instrumental in promoting an amicable settlement of this question, were realized, and if he should effect that object, he should certainly not regret his presence at their deliberations that night.

Mr. *Hume* complimented the right hon. Baronet on the concessions which he had made in his speech, but said, that there was one principle on which he should join issue with him, and that was with respect to the right of Dissenters to nominate Ministers of the Established Church to the benefices under the control of the Corporations. He could never consent to the Bill while it contained this provision, for it was but renewing the Test and Corporation Acts after they had been long abolished. Was it not monstrous that Dissenters should be excluded from the power of nomination to such benefices, when it was notorious that a Dissenter might purchase an advowson and nominate whom he pleased to it. He, for one, was for throwing out the Bill with the Amendments which had been introduced into it, because he considered them to have been made in utter defiance of that House, and from a determination to resist the wishes of the people. The people must eventually have full satisfaction given to them on this subject. If the noble Lord wished to give them satisfaction in the present instance, let him restore the Clause in the Bill which declared that there should be no qualification. It was not with him (Mr. Hume) a question between one kind of qualification and another. He was convinced that there was no mode of qualification whatever which would not be open to insuperable objections. What did his Majesty say in his speech from the throne? Did he not, addressing both Houses, express his hope that such measures of reform would be adopted as would give satisfaction to the people? Now, did any one suppose that this measure, such as it was proposed to make it, would give satisfaction to the people? He could tell the right hon. Baronet that it would not; and he greatly regretted, therefore, that the noble Lord had gone so far with his concessions. He was especially opposed, however, to the qualification, and he hoped that the original Clause in the Bill would be carried by a large majority. They who were desirous that the Bill should be effective, should not stop until they had rendered it so. Why were a body of irresponsible persons like the House of Peers to oppose the just rights of the people? What qualifications had they? Was it property, or what? If they had no qualifications themselves, why did they throw obstacles in the way of the present measure, by insisting on qualifications in others? The Peers seemed determined to tread on the rights of millions who were anxious to maintain what the right hon. Baronet had called a mixed and balanced Government. For the present was only one of the instances in which they had shown their hostility to the rights and privileges of the people. If every measure of reform were to be treated in this manner, and thrown out by the House of Lords, he begged to ask the right hon. Baronet what opinion the House of Lords could expect the people to entertain towards them? If such a course were persevered in, it would not be long before the people would demand a reform of the other House of Parliament. Were the House of Commons to reform themselves, and was the other House of Parliament to remain entirely unreformed? He had supported his Majesty's Government as long as he could, consistently with his sense of duty to the people; but if they resisted the rights of the people, if they resisted popular reform, what could they expect from him? To let the Bill pass in its present mutilated and impaired state would be to rake up more dissatisfaction than by adopting any other course with respect to it which it was possible to conceive. He was satisfied that the right hon. Baronet would agree with him, that unless it gave complete satisfaction it would effect no benefit. If it did not do that, it would be received not as a boon, but as an instalment; and the whole question would remain open and undecided. He entreated the noble Lord, at any rate, not to yield to the House of Lords on the question of qualification. As to the Aldermen, he cared not by what name the members of the governing body were to be called. He did not quarrel with that; but he did quarrel with the abandonment of a serious principle. He entreated the noble Lord, therefore, to comply with the prayer of all the petitions from popular places on this point. He entered his solemn protest against concurring in the Amendment proposed by the other House on the subject of qualification. He entered his solemn protest against the course pursued by such a body of persons as the House of Peers; a body not responsible to any one, utterly regardless of the public feeling, and an anomaly in Government. If their powers were great, they ought at least to exercise them justly. He hoped, also, that his Majesty's Government would not re-enact any part of the Test and Corporation Act. Toleration! Toleration was a word that should be excluded from our language. What the country required was just and equal right; not toleration. Now could it be called a state of just and equal rights that a member of a Town-council should be prevented from exercising the privileges which his brethren enjoyed, because he did not happen to be a member of the Church of England? Was that equality? No, it was inequality. It was indispensable that the provision in the Bill as it now stood, and that provision respecting qualification, should be resisted. The Bill would then be a beneficial measure. It would secure popular elections, it would secure frequent elections, it would secure a due control over the accounts of a Corporation, and it would enable the inhabitants of a Corporate Town to determine who should superintend their affairs. Let the House consider what had been the effect of efficient Corporation Reform in Scotland. All the discontent and excitement which, previously to that Reform, had existed between the governors and the governed, had ceased. There were in England some dozen of Corporations which already possessed the freedom of election to which he had adverted: and in those Corporations no dissatisfaction or discontent would be found to exist. At any rate, let them not agree to anything contrary to the principle of the Bill; for that would be merely to sow the seeds of future contention. It might postpone the matter for a few months, but it could not prevent the people of England from ultimately enjoying an equality of rights, and a just control over their property. It was on the ground of the principles which it comprehended that he had hailed with satisfaction the introduction of this measure into the House by his Majesty's Ministers. He trusted that they would persevere; that they would complete the proposed reform in the spirit in which they had introduced it; and that, having right, justice, and public feeling on their side, they would not surrender the slightest principle of the Bill.

Mr. *Grote* begged to be allowed to say a few words. It gave him great pain to say so, but he could not help declaring, that he thought the noble Lord had conceded more than either the occasion required, or the feeling of the public would justify Nor, he must confess, had the noble Lord, in his opinion, done justice to the subject under the consideration of the House. Whatever he might think of the proceedings of the House of Lords in other respects, he was bound to acknowledge that they had resolutely adhered to their independent character. He thought, therefore, it would not be amiss if the House of Commons were to imitate the House of Lords in that particular, and adhere to their independent character. It would surely ill become the dignity of that House —the assembled representatives of the people of England—to yield important principles merely for the purpose of conciliating the other House of Parliament. In so doing they would not consult either their dignity or their honour. When the people of England were fully and justly represented in that House, there ought to be no other power in the State which should be able to stand against them. He thought also that the noble Lord, in introducing the concessions which he proposed to the House to make with reference to the measure, did not sufficiently treat those concessions as made under protest. Nay, one or two of them the noble Lord actually vindicated on their own merits; especially the proposition that a third of the Towncils should be chosen every six years. Now instead of treating this and other of the concessions as bad in themselves, and as made only from motives of expediency, the noble Lord seemed to speak of them as if they were right and good of themselves. Nevertheless, by these concessions some of the most important principles of the Bill were sacrificed. Nor could he give his consent to the concession respecting wards. It might be recollected, that when the proposition on the subject was originally made in that House, he had stated that in his opinion a population of twelve or fifteen thousand persons was too small to be so divided; and of course the evil must be enhanced when the number was reduced to nine thousand. He was very much afraid that if this proposition were agreed to, the Town-council would in many cases be an instrument for corrupt purposes in the hands of a very few individuals. With regard to the question of qualification, he shared the feelings of the hon. Member for Middlesex. In conjunction with the other propositions he was convinced that it would be singularly unpopular over the whole country, and that it would be especially so in the City of London, where that principle had never been acted upon. He differed most materially from the noble Lord in his opinion upon the manner in which the principle of qualification had been embodied in the Clause introduced by the House of Lords, providing that in large places it should be the possession of property of the value of 1,000*l.* in small places the possession of property of the value of 500*l.* Why this difference? Why should the possessor of the value of property of 500*l.* be considered unworthy of an office of trust, if he happened to reside in a large city instead of a small town? At all events, let there be consistency in the affair; let the same sum be a qualification everywhere. In his opinion, however, it was impossible that the Clause could pass that House. He was sorry to oppose his Majesty's Ministers, for he had a great respect for them; but with reference to this point, in conjunction with the other concessions proposed, he could not allow them to pass without recording his opinion of them. He was as anxious as the noble Lord that the Bill should pass; but he was still more anxious that it should pass in a sound and entire state. Indeed he would much rather wait a certain time in order to get a Bill, of which he should in all respects approve, than barter away the best principles of the measure for the purpose of obtaining the immediate consent of the other House of Parliament. And after all, it was by no means certain that the propositions of the noble Lord would be satisfactory to the other House. If not, and if the Lords should require still more concession, that House would then regret that they had made so useless a sacrifice of the dignity of the people.

Mr. *Ewart* said, that he considered the question of qualification with reference o its justice or injustice; and that he was so entirely of opinion that it was unjust, that he could not conscientiously vote for it. In his opinion no qualification whatever was necessary. All experience had shown, that qualifications such as that which was now proposed, were not only unjust, but nugatory. If, therefore, he were called upon to vote on the Question, he should certainly vote against qualification. As to the rights and privileges of the people with respect to common lands, the sound Clause on that subject of the right hon. Member for Tamworth had been omitted in the Bill by the right hon. Baronet's friends in the other House of Parliament. The mode of appointing justices also had been altered, so as to return to that old system under which so much jobbing had taken place. It might be true that this question ought to be decided by conciliatory proceedings; but it was also true that it ought to be decided in such a manner as should render the measure not only a good but a permanent benefit. The House ought to manifest a steady resolution on that point. Although it was certainly desirable that the resistance to the Amendments proposed by the other House of Parliament should be conducted with a due attention to calm and pacific feelings, yet that House ought to evince a steady resolution not to accede to what they considered unjust; and, for his own part, he could not relinquish one atom of his objection to those Amendments. He only wished that the manners and the language of the right hon. Member for Tamworth had been adopted by the Members of the other House of Parliament, who showed, by their conduct, that even in that respect they had much to learn from that House. The duty which he had to discharge was a disagreeable one, but he felt that it was due to the people of England to discharge it. He did hope, however, that the noble Lord would not give up the principle of non-qualification. The Amendment on that point made by the other House, was most absurd and unjust; and he had already said that he put that, and all other questions connected with the measure, on the ground of their justice or injustice; the only real and sound ground on which Legislative proceedings could be founded.

Mr. *Roebuck* spoke as follows:—Mr. Speaker. To an observer, who looked not beneath the surface of things, the present condition of the people of this country would appear not very flattering to human vanity. He would see a great and an intelligent people, after a long and painful experience, after patient and very careful inquiry, and after mature and anxious consideration, determine, by means of their representatives, to fashion a great measure of Reform for some of their most important internal institutions. He would see the Representatives of this great and intelligent people, in obedience to the commands of their constituents, pass a long and painful Session in deliberation upon this great measure of Reform. He would see them, after having exercised all their care and judgment upon the measure; after having weighed, with intense solicitude, every particular portion of this Reform, and framed the whole so as, in their best judgment, to provide for the well-being of the nation they represented; he would see them, I say, compelled to submit their measure to the consideration of another, and wholly irresponsible, assembly; and he would see this irresponsible body—a body with interests wholly opposed to those of the nation — treat with unmeasured contempt and scorn the wishes of the people, and the measure framed by their responsible Representatives. And he would, lastly, behold this great and this intelligent nation, after being thus checked, thwarted, insulted, trampled on, scorned, and absolutely derided, bear with patience all this ignominy and degradation. To him, Sir, who should look no further than this, the spectacle I have described would appear little grateful to human pride. But if he would carry his observation further, he would see real cause for gratulation,—he would see why the people he was so contemplating were deemed great and intelligent. He would then see, that although they bore with patience all this insult, all this opposition to their wishes, yet, that apathy was not the cause of their forbearance. He would see them forbearing, because conscious of their own strength, and fully alive to the inestimable advantages of peace and order. He would see them putting faith in the great impulse of improvement; relying on the necessary advance of truth; and determined to essay all peaceful means of obtaining the great object of their wishes. Forbearance, when the result of such feelings, is a proof not only of virtue, but of intelligence. But there is a point when such forbearance must cease; and when a people thus intelligent and honest are once roused to action, they will show themselves as resolute in hostility, as they were patient in peace. This time —the time for giving up all forbearance, is fast approaching. Every day brings us fresh evidence that vital changes in our constitution are required for the peace and the welfare of this nation. The result to which we are now arriving is to me no disappointment. They who form their opinions respecting Government, on an investigation of the principles of human nature, expected and predicted the present state of things. Many of these inquiries into the science of Government long since foretold what would be the inevitable result of carrying into practice the theory of the British Constitution. Experience is but too fatally verifying the accuracy of their statements. The noble Lord below me (Lord John Russell) is, I know, a believer in the theory of the English Constitution. Every day's experience, I should think, ought to lead him to doubt the correctness of this belief. He, however, acting under that belief, did, under the Ministry of Lord Grey, propose to reform this House, and thereby to carry into execution the description so often given of this our mixed Constitution: in other words, the noble Lord determined to create a House of Commons wholly independent of the Lords; to make two separate and independent legislative bodies; and he hoped that these two bodies, thus independent, could and would carry on the business of Government with perfect harmony, and thus work out the happiness of the nation. For myself, I had no such expectation; and I found many, for whose opinions I had great reverence, who had formed conclusions directly opposite to those of the noble Lord. To us it appeared, that the House of Commons representing the people, and the House of Lords, representing themselves, had hostile and irreconcileable interests: that the interest of the people was one thing, the interest of the Lords another and very different thing; and that we, pursuing the interests of the people, should soon be driven into hostile collision with the House of Lords, who would steadily pursue their own interests. The event has justified this expectation. The Commons and the Lords are now in opposition. We, the Commons, acting in our character of the people's representatives, performing faithfully a sacred and imperative duty, find ourselves violently opposed, insulted, and scoffed at by the irresponsible House of Lords, who represent themselves, and who are steadily pursuing their own private, ay, and pecuniary interest also. From the moment when the first Reformed Parliament met, this strife commenced. For a time, it was shrouded in some mystery, and its true nature was sedulously hidden from the eyes of the multitude. It has become too plain to be misunderstood. All men see that the two branches of the Legislature are in collision, and we all know and feel that the Question we have now to determine is, not simply the passing of the Municipal Reform Bill, but whether the wishes of the people or of the Lords are to govern in this country. It is idle — it is worse than idle—to attempt to hide this from ourselves. The machine of Government has come to a stand-still, The noble Lord was often told before the passing of the Reform Bill, that he was framing a machine for Government that could not work. He clung to his preconceived ideas respecting our Constitution; he passed the Reform Bill, called into operation hostile elements, and now wonders that strife is the result. Whether the Government of this country is hereafter to be an Aristocratic or Democratic one, is now the great point to be determined. There is no middle course. One or other party must succumb; and I, as a friend of Democratic Government, look anxiously to the result. [*cheers*] That I am a friend of Democratic Government is not wonderful. I am one of the people; I have the same feelings and interests; and while doing my duty as a representative, I pursue my interest as a citizen. Now comes the question, what is to be done? I answer boldly that the evil must be cured in its cause, and that the existence of the House of Lords in its present shape is incompatible with the welfare of England. If we look at their deeds for the last three years, even if we confine ourselves solely to the consideration of their doings of this year, no disinterested and sane person for one instant will assert that the well-being of the country has been forwarded by their conduct. Look at their conduct on this very Bill of Reform in the Municipal Corporations; has not every act proved that they contemn and hate the people, and that they are determined to show this contempt and hatred, by insulting us, the representatives of the people? What did they in the first instance? They called two hired advocates to their bar, and allowed them to indulge in every possible abuse of us for hours together. "Oh but," says the right hon. Member for Tamworth, "it is extremely difficult to draw the line between what is, and what is not, the legitimate defence of a client; if the judge interfere, the danger is, that the just defence may be obstructed." Did that right hon. Gentleman never go into a Court of Justice? If, Sir, he ever has frequented such a place, I ask him, if he believes that any Judge would permit an advocate to indulge in vulgar abuse of any of the constituted authorities of the State? Would the Chief Justice of the King's Bench allow abuse of the Common Pleas? Is it not notorious, Sir, that any attempt at such a breach of decorum would be immediately suppressed and severely reprimanded. But the Lords could not do this; they would not: they were delighted with the vulgar abuse of these hired advocates, and chuckled at abuse they had not themselves the courage to utter. But did any one ever hear of such a proceeding, as to allow persons to claim such a right in the business of Government, as to be permitted to have counsel to defend that right before a legislative body? The truth is, that the interest in this case was the Lords' interest. Corruption in every shape is dear to them, and they can even go so low as to claim fellowship of feeling with a Town-clerk. In this case, however, there was more than mere sympathy; there was a community of interests. The Lords, by the Reform Bill, were deprived of the power of sending Members to Parliament. They wish to retain any power which now belongs to them, and which may be turned to the corrupt influence of voters. Corporations afford them the means of exercising such a power, and they therefore fight after this headlong fashion in favour of corrupt Corporations. Every one of their amendments has for its object the maintenance of corruption and irresponsible power. Their object has been, under the guise of fine names, to further their own interests; and those interests are, in this case, of the very lowest and most degrading description. The dirty motive shows through all their acts. The desire of peculating urged them on; they crave to live upon the industry of the people, and fight, with disgusting pertinacity, in order to obtain this disgraceful privilege. If this measure had been the sole one which had been subjected to their tender mercies, and thus mutilated and ruined, we might have borne the destruction of our labours with comparative equanimity. But this is only a part of a system. Every act of any importance passed by us, the representatives of the people, has been altogether rejected or completely ruined. Our chief labours this Session have been directed to the framing a relief for Ireland, in the shape of a Church, and also a relief for England in the shape of the Municipal Corporation, Reform Bill. The fate of this last we are now discussing; but what has become of the Irish Church Bill? It is destroyed. Where is the Constabulary Force Bill? It is also destroyed. Why, Sir, even the Attorney-General, in his attempts to ameliorate the civil law of this land, has been met and thwarted by this body of irresponsible rulers. His Bill respecting Imprisonment for Debt, what has become of that? It affected, or was supposed to affect, the estates of these noble persons, and the Bill is consequently rejected. And thus it has been with many other measures which I will not now stay to enumerate. But look at this Bill which they have amended. Let any one go over it, who has the slightest idea of what a legislative measure ought to be; and then let him tell us if it is not a disgrace, even from its mere form, to any legislative body composed of reasonable men. It is a hard thing to see our labours thus thrown away year after year. We have attended here for seven long months. In that time we have laboured hard for the people; and at the end of the Session we are condemned to behold, and are implored to behold with patience, everything we have done destroyed. I again ask, Sir, is this system to be continued? Our business is not now merely to attempt to repair the dilapidations made by the Lords in this

Bill; we have a more important duty to perform: we are now to say whether we are content to allow this system to continue. Are we, year after year, at the end of every Session calmly to submit to this thwarting of all our efforts? There is one thing I will predict if we be so content; Ireland will soon relieve us from the labour of governing her. For three successive Sessions we have laboured in order to relieve the miseries of that unhappy country, and, if possible, to heal the wounds inflicted by many centuries of misrule. We have not advanced one single step. Every year sees our labours rendered abortive by the headstrong proceedings of the House of Lords. If we wish peace for Ireland, we must change this faulty system. The commencement of this much-needed reform should be the firm resistance of the Commons to these wretched Amendments. The time for such conduct on our part must come, and there are many powerful reasons why we should pursue it at once. If the House of Lords be permitted to remain in their present condition, there can be no peace for England. We hear great talk of revolution, but few persons seem to understand that it is the House of Lords which alone renders revolution at all probable or necessary. The people of this country are essentially a peaceful people. Their industry requires peace, and the mighty trade of this country is the offspring of quiet and security. This quiet and this security the Lords by their conduct seriously endanger; and I call upon the noble Lord and his Majesty's Ministers, to do their utmost to avert the many evils which the Lords will bring upon us, if allowed unchecked to continue in their dangerous career. There is something ungenerous in the conduct of the Ministry towards us and the people. Here we are daily called upon to keep up the feelings of the people, and to excite them to a sense of their condition. I myself have done my utmost, have done all my humble abilities allowed, to create and maintain this feeling among my countrymen. Yes, I acknowledge that I have done so; I have done so, because I deemed it my duty. I was in hopes that when the people were prepared, the Ministers would not hold back; and as they had done all they could to create in the minds of the people a feeling of indignation at the bad Government under which we live, I did hope that they, the Ministers, would not now desert and betray the people. It has been said that we cannot go through a revolution every year. This is true; and for that reason it is, that I call upon this House to reform institutions which render a yearly excitement, almost amounting to revolution, absolutely necessary. We desire a Government that can provide for the necessities of the people without this periodical and extraordinary commotion. In other words, we want a peaceful Government, and that cannot be said to exist while there is an irresponsible body in the State, which, to be restrained from doing evil, needs an annual excitement of the people, bordering on revolution. As a lover of peace, as one that believes that no people can attain happiness during strife and combustion, I call upon this House to begin the reform by rejecting at once the Amendments of the Lords. If we do not adopt this course, in twelve months the same difficulty will again occur. Here in the year 1836, and perhaps in the month of September, we shall be called to our posts in order to check the evil doings of the Lords. We shall again be forced to go through the same piecemeal and humiliating fight that we are now asked to maintain. We shall be called upon to drag reform from the Lords, *bec et ongle,* tooth and nail, and be content with such shreds and patches of beneficial measures as now disgrace your Table. The mode which true dignity requires, which true policy also demands, is at once to make a stand; to say that the interests of the people would be best provided for by the measure we originally proposed; that from that measure we cannot recede; and that as our sole rule of conduct is the welfare of the people, we are not justified in accepting any measure, no matter who may require it, which does not in our opinion thoroughly provide for the good government of the nation. Believing this, I object to any concession; and if my advice could prevail upon this House, I would entreat them to re-enact every one of our original measures, saying that such was the pleasure of the people—let those who dare resist it.

Mr. *Robinson* had derived sincere satisfaction from the calm and temperate tone in which the debate had been conducted by all who had taken part in it, with the single exception of the hon. Member who had last spoken. That hon. Member must pardon him for saying that it was he, and such as he, using language such as he used, who threw impediments in the way of wholesome and necessary reforms, greater even than those to whom he was politically opposed. It was not his intention to detain the House by making more than a very few observations. He agreed entirely with the noble Lord throughout the whole of his observations. He thought the Lords' Amendment with respect to Town-clerks so highly objectionable that the House ought on no account to concede it. As to the question of Dissenters having a voice in the distribution of Church patronage, he agreed with the right hon. Baronet upon the point, that it might be objectionable to allow those dissenting from the Church to have anything to do with the patronage of the Church, generally speaking; but when those persons were Members of corporate bodies, having Church-property in their gift, he thought the right hon. Baronet himself must see that to draw the line between Churchman and Dissenter would, in fact, be to revive those old religious distinctions which of late years all had been so anxious to avoid. He trusted, therefore, that the right hon. Baronet would not press the House upon that point. There was one point upon which he was sorry to say, he was obliged to differ from the noble Lord, and that was the question of qualification. When the Bill was originally in that House he had opposed any qualification whatever, because he really did not believe any qualification to be necessary. He had sufficient confidence in the intelligence and good sense of the elective body to believe, that they would choose for their Town-council those persons who possessed all the requisite qualifications. But to compel them to elect for the Government of their towns persons possessing a certain pecuniary qualification, appeared to him to be not only unnecessary, but, on many accounts, highly objectionable. But though he differed from the noble Lord upon that point, so anxious was he to come to an amicable adjustment of the matter, that if the noble Lord thought it necessary to adopt the qualification, he for one would not oppose it. He trusted, although the Session was now rapidly drawing to a close, that the House, before it separated, would allow this measure to pass into a law. It contained, if not all the details that might be deemed desirable, at least the great and leading principles of Municipal Reform. If the Bill were thrown out altogether, he feared there would be throughout the country, and especially in the larger towns, a spirit of angry debate which would tend to prevent an amicable adjustment of the question in another Session of Parliament. He for one, therefore, should heartily co-operate with the noble Lord, and he trusted the House would follow the same example.

Mr. *Warburton* rose to express his decided opposition to the Amendment introduced by the other House, requiring a pecuniary qualification for the Members of the Town-council. Such a qualification would be utterly unjust. There were many boroughs in which large agricultural districts were included within the limits of the borough. In each of these towns, the farmers will be the highest rate-payers, and consequently, though wholly unacquainted with municipal affairs, would become the only persons qualified to act as Town-councillors. He trusted the noble Lord would take this point into his earnest consideration.

Sir *Samuel Whalley* called on the House not so far to thwart the wishes of the people, as to allow the Bill to pass in its altered state. The Bill had been sent up to the other House by hon. Members in the full possession of their corporeal faculties, and when he recollected the aged persons by whom it had been brought back from the Lords it only reminded him how the Bill had been mutilated. He would rather put off the Bill for another year than consent to its passing in the state proposed by Ministers. When he reflected upon the treatment which the Bill had received in the other House, he thought that the House might inscribe over its doors a notice which was vernacular, and very often to be seen in the streets—the notice of "Mangling done here." He hoped, at least, that the noble Lord would not allow the Bill to pass if the other House did not agree to his propositions. The noble Lord had certainly deprived the Qualification Clause of many of its objectionable points. The Town-clerks had been such participators in all the wrongs that had been inflicted upon the people that their continuance in office would destroy all the utility of the Bill. As it now stood, where any rate-payer was disqualified for one year, three years must elapse before he could be replaced on the borough-roll. He trusted, that Ministers would restore this Clause to its original state. He thought that the House was in a position to make advances towards an adjustment without compromising the good Government of municipal towns, and likewise without compromising the honour, independence, and dignity of the House of Commons.

Lord *John Russell* said, that as the debate upon the general question had now lasted for some time, he would propose that the House should go at once to the consideration of that part of the Bill which related to the Aldermen, and that when that point was disposed of, the House should proceed *seriatim* with the other Amendments, postponing only the Clause imposing the qualification for the Town-council.

Mr. *O'Connell* said, that the collision between both Houses had commenced. The discussions which had hitherto taken place had partaken of what was called constitutional dissention—the discussion in each House had found a termination in each House; but a rebound had now taken place, and that was what he called collision. It was manifest that something must occur to place the British Legislature in such a situation that instead of going forward, or instead of being met by a series of checks, it should be actually stopped. See what an immense quantity of most useful matter had been stopped in the other House during the present Session. Take England: What had become of the Executors and Administrators' Bill—a Bill of the utmost importance, doing away with some of the grossest absurdities of the law? It was cushioned. What had become of the Execution of Wills Bill? Cushioned. What of the Prisoners' Counsel Bill? Cushioned. What of the Abolition of the Punishment of Death Bill? Cushioned. What of the Imprisonment for Debt Bill? Thrown out. ["*No, no!*"] Oh, the same thing then—it was cushioned. Turn next to Ireland: What had become of the Irish Church Reform Bill—the first honest experiment to conciliate the people of Ireland by the Government of England? It was treated with indignity, wholesale indignity, twenty-five Clauses annihilated at one breath—not even the common decency of taking Clause by Clause—they were struck out by the gross, and wholesale contumely as well as injustice was cast upon Ireland. What had become of the Irish Marriage Bill? It was thrown out; and what was the result? Why, that in every instance where illegal marriages had been effected, the innocent child alone was left to be punished. By the law as it stood the parents were not only held free from guilt, but were even allowed to indulge in licentiousness—the parson was free from punishment—nobody was punished by the law, but the helpless child. What had become of the Irish Constabulary Bill? Thrown out on the most frivolous reason ever heard of—a reason so ridiculous as to be unworthy of even the meanest association of legislators. What had become of the Dublin Police Bill? He supposed it was at that moment going through the same process as the others he had mentioned. What had become of the Irish Registry of Voters' Bill? It was not yet destroyed, but he believed he need not boast much of the spirit of prophecy to foretel what would become of that Bill. In short, as regarded England, the other House had evinced a determination to stop everything that was useful; and as to Ireland, they treated everything of conciliation or justice with contumely and contempt. He repeated, the collision had begun. What, then, was their first duty? The only magic in policy was to be right. Men could not always be completely right. The noble Lord did not feel himself completely right in all his concessions. But next to being perfectly right yourself, the other great magic in policy was to make your adversary perfectly wrong. What would take place after the concessions proposed by the noble Lord? If the Lords should hold out after those concessions, was there any one man in the British dominions who would not say, that the Lords were perfectly wrong. If, after all, the Lords should refuse the Bill, then indeed would begin the collision; and the House of Commons ought to begin it by being as right as it could—wrong only when it conceded too much—and making its enemies perfectly, entirely, and excuselessly wrong. Well, would the Lords take the Bill as it was sent back to them? If they threw it out, then they meant a collision, and were determined to try whether, by another fashion, they could not recover all that was taken from them by the Reform Bill. Every body knew, that the Lords were dictatorial until the passing of the Reform Bill—Norwich, Harwich, Ipswich, and many places of the like kind, enabled them to have a majority in the Commons, and the nominees of the Lords really legislated for the country. The Reform Bill had changed that state of things, and had made the House of Commons an independent body. It remained to be seen whether the Lords appreciated the new character of the Commons. This would be proved by the fact of their refusal or acceptance of the Bill when it was brought back to them. Then came the question for the Commons—"Is the Bill worth taking with all these concessions?"

He was decidedly of opinion that it was, and he would explain why. In the first place, it swept away all the old leaven of the old Corporations. He thought somebody had called this the tag-rag and bobtail. The tag-rag and bobtail, it would sweep away. Every self-appointed, self-elected body would be swept away. It would not cure, but it would cleanse the sore, and take out the gangrene for ever. The aldermen for life, the jobbing Town-clerks—these it would abolish. It would make a perfectly clear stage. It would get rid of all the old causes of abuse. He maintained, therefore, that if they should succeed by these concessions, they would be gaining one great and essential advantage. Any step towards popularity was an improvement. The Bill, as it stood, gave them universality of constituency as far as the rate-payers went. It increased the number of those who were called freemen. Nothing was more absurd than what was termed the rights of freemen. Those rights, as contrasted with the rights of those who were not freemen, were an usurpation. They were rights commenced in wrong and continued in wrong. They established a monopoly and placed it in the hands of a particular class, who obtained the name of freemen. If they were freemen, then the rest of the community were slaves. When he was told, however, of the rights of freemen, he would ask what had become of the rights of those upon whom those freemen had encroached? But another advantage which they gained by this Bill was the extension of the basis of representation, by giving every rate-payer a right to vote for the election of the municipal body. That advantage they would have, as well as that of clearing out the Members of the old Corporations. That advantage was a great one to commence with; he said to commence with, because the talking of finality was a mere absurdity. The value of this Corporation Bill, if it should again come down to that House, with the intended Amendments approved of, would be, that it would give them the machinery of purification, and would enable them to get rid of the incumbrances which noble Lords might cast upon it for the purpose of the moment. Another advantage to be derived from the Bill was, that all the Town-council would be periodically elected. [*"Not the Aldermen."*] Yes; because whether elected by one process or by another, they would still be an elective body. There would also be an extension of the suffrage; all distinction would be done away as to the qualification of the electors, except one, which was preserved for other purposes, and from other motives. That exception was the difference between the inhabitants and the freemen. And why were these freemen kept up? The motive was obvious, and he would tell it at once. They were kept up that they might be corrupted and bought with two sovereigns each, as at York, or with three, as at Yarmouth. They were kept up for the purposes of bribery and corruption by the poor man's friends, by those who were the hereditary tribunes of the poor. Why were these hereditary protectors of the poor so anxious to keep the rights of the freemen? Why? Because their friends and relations might have an opportunity to buy their consciences. Was it for the love of God that they protected the poor? Was it for the working out the salvation of their souls? O, no. The pretence was plausible, but it had failed. The hypocrisy finally betrayed itself; for these hereditary protectors of the poor had introduced a Qualification Clause with respect to Members of the Council, which showed that their only object in keeping up the freemen was, that they might be purchased by men who had the most money. Thus they displayed at once their own hypocrisy. It was said that those whom Providence wished to destroy, it first demented. At the same time that the Lords were so anxious to preserve the rights of freemen, they had introduced a qualification, which disabled those freemen from forming part of the Council. Might not one of these freemen say, "I am a man of integrity and of good character; my neighbours love and respect me, and are quite ready to appoint me one of your Council; why should I not become one?" To this very reasonable interrogatory the hereditary protectors of the poor make answer, "O, no; you are not rich enough. What avails your integrity or your good character, unless you possess sufficient wealth wherewith to purchase the votes and consciences of your fellow-freemen." Who was it that preached these doctrines? The friends, the supporters of the poor. Verily, he was glad that this was the way in which the collision had begun; because it betrayed the most barefaced hypocrisy, the hypocrisy of pretending to be the friends of the poor, when it was the wealthy alone that they regarded. It was a friendship for the extremely rich, who could afford to bribe the poor freemen for their votes. The House of Commons was therefore engaging in this collision with a great advantage, that of a total want of moral character in the proceedings of those who withheld the rights of the people. It was a great advantage to be over-forbearing. It was the business of the King's Government to fall short of asserting all their rights; let them, therefore, make the proposed concessions, and then let the House of Lords throw out the Bill if they dare. There would no doubt be great excitement throughout the country, even at these concessions being made. Some hard words—perhaps some hard blows, at least of the tongue—would be dealt out in consequence of these concessions; but the indignation of the people would fall doubly on the heads of those who, after these concessions, should refuse to be conciliatory, and to adopt this measure in its altered form. It would then at once be admitted that it was not upon principle the Lords had acted, but upon a determination to stop every measure for the amelioration of our institutions; and thus it would be demonstrated that they possessed a power which they ought never to have had, and of which, so exercising it, they ought most certainly to be deprived. But in the present stage of the business, what the House had to consider was, whether in the concessions proposed to be made, they were not going too far? He approved of all the concessions that had been made. Not that he thought them right in principle; but because he thought it was right to show that it was not for the sake of an abstract principle, but for practical purposes that resistance was made to the other Amendments of the Lords. The thing that displeased him most was the Qualification Clause. As it now stood, it was the most iniquitous thing that ever was proposed. It was a most outrageous species of inquisitorial power in a commercial country to enter into a man's private circumstances in order to ascertain his fitness for exercising the franchise of a citizen of the State. The hon. Member for Bridport had shown the absurdity of the qualification as to rates; but in other respects there was wickedness mixed with absurdity. Every shopkeeper and mercantile man, being a voter himself, might sign a notice and bring any other person before the public, in order to investigate how much he owed, and to whom he owed anything. Thus a person might be induced to make an objection against a burgess being on the list, in order that he might obtain an admission of a debt of which he had no legal proof. He might be asked, if this be so iniquitous a scheme, why consent to it? His answer was, simply and singly, that there might be no excuse for the Lords to reject the remainder of the Bill. He would even consent to it for the very reason which he began by stating, namely, that the enemies of this measure for putting down old abuses might have no excuse at all. To the management of this qualification, however, it was necessary they should direct all their attention. What ought there to be required from the party beyond a declaration of his qualification? Let there be a penalty against the man who made a false declaration. Put it upon the party who challenged the qualification to prove the falsity of the declaration in a criminal court. In that way they might qualify their disposition to go as far as they could in the path of concession, and thus put their enemies so much the more in the wrong. He felt a melancholy satisfaction at contrasting the conduct of this with that of the House of Lords towards Ireland. At the commencement of a system of conciliation on the part of the Government towards that country, he saw the other House of Parliament attempting to continue the reign of misrule in Ireland. That was the darling spot for every abuse and every oppression. Good God! was it possible that the people of England could consent any longer to be misled by a miserable faction? Were they not tired of six hundred years of oppression? Over and over again he had challenged them to tell him of any one advantage that Ireland had derived from her connexion with England. Every portion of the page of history had been always stained with the same crimes towards Ireland. At length he had seen an Administration formed upon the basis to extend the benefit of British institutions to that country; an Administration prepared to make the experiment whether Ireland could be as well governed by England as she might be by herself; for Ireland was not a petty country, or a paltry province. She was a nation of eight millions. If you did not give her good government, God forbid she should not seek it for herself; but God forbid she should attempt it, so long as she was likely to get it from you, for her interests were identical with yours; it was therefore necessary that she should be identified with you, not merely in name, but in all your institutions. But was he to be told, now that they had succeeded in having one branch of the Legislature willing to give good government to Ireland, that all their efforts were to be stopped, and that even personalities undeserving notice in common conversation, should become a reason for refusing justice to Ireland? He did not think that these observations were unconnected with the subject before the House. The Lords ought to pause and meditate before they proceeded in this way. The Member for Worcester had blamed the Member for Bath for using language of an extreme description. If what his hon. Friend the Member for Bath had said was not founded in fact, it was vain as air; but if it was founded in truth, if it was justified by the conduct of the Lords, if his speech was one of reason and not of declamation, then the Member for Worcester might call it mere declamation if he pleased; but did he think that by his calling it declamation, the words of the hon. Member for Bath would be less appreciated by the people, or that the facts that they unfolded would not give to his words wings of fleetness and power not to be resisted? He put it to the hon. Member, did he doubt the truth of the observations of the hon. Member for Bath? Let the hon. Member look at the proceedings of the Lords—let him look at the paltry ribaldry poured out upon the Commons at the Bar of the other House. He had been told, forsooth, that they were not to restrain counsel in their observations, lest they should impair the freedom of speech. But were not appeals made before the House of Lords every day from the Exchequer Chamber and from the King's Bench, and did ever any counsel or judge in the Lords get up and assail the King's Bench, or impute motives to the judges of that Court? Did they ever hear those judges accused of villainy, of robbery, of peculation, of plunder, of the violation of every corporate right, and of the spoliation of every charter; in short, of crimes so numerously strung together, that he should not have been able to remember them if he had heard them, nor could he by any ingenuity have coined and linked such extraordinary phrases together? But all this had happened before the House of Lords. It never happened but once; and that once was when the House of Commons was assailed for passing this Bill of amelioration, to the principle of which every man of every party in the House had assented. He was therefore right when he affirmed that the collision had at length come; the Commons had only now to manage it properly. "Let us," said the hon. and learned Member, "take care to put our enemies in the wrong. Let us concede everything that it is possible to concede. Nay, let us even go further than what might be strictly deemed right; but when we have done that—let us appeal to the good sense of the British nation—[*cheers*]—yes, to the good sense of the British nation. And would that be a sensible nation which consented that two hundred individuals, I care not who they may be, should have the absolute power, at their will and pleasure, or for their caprice, or at the suggestion of their good or bad passions, to control a nation of twenty-four millions? Is such a nation to be checked, controlled, and governed by two hundred individuals? I say again, therefore, let us appeal to the good sense of the people of England. They well understand when their representatives deserve their support. Let us likewise, and I trust always, appeal, in all affection and confidence, to the Monarch who reigns over us, to whom, having the great honour of sanctioning the first step of Reform, it will be the pride and glory of his reign to consummate that work in a peaceable, quiet, and constitutional manner, by rendering perfect the arrangements of the Constitution of this country, and giving to the public voice, in all the ramifications of that Constitution, such power as shall prevent the possibility of an unjust and selfish oligarchy having any longer a control over the unanimous feelings and opinions of the people.

Mr. *Milnes Gaskell* said, that he was at a total loss to reconcile the whole tenour of the speeches which had just been made with the slightest regard for the Constitution of this country in King, Lords, and Commons, which as yet had not been abrogated. But he was glad upon many accounts that these speeches had been made: he was glad, because it made the tactics of the Gentlemen opposite no longer doubtful; and because, in the emphatic language of Mr. Canning, such speeches as these were worth a thousand professions of qualified neutrality. If the debate, however, were to remain confined to those who entertained the opinions which had been expressed by the Members for Dublin and for Bath, he was convinced, that not only would a most unfair index be furnished of the general sense of the House, but what was of much greater importance, that one still more unfair would be furnished of the general sense of the people of this country. The Members for Dublin, and Marylebone, and Bath, had said a great deal about the people, and asked whether it was to be borne, that the opinions of three or of four hundred persons should be suffered to countervail the unanimous opinions of the people; and, undoubtedly, if that were the fact, there might be something in their argument. But he (Mr. Milnes Gaskell) would take leave to ask whether it was to be borne, that the people of England—who had sent a majority of their Representatives to uphold opinions which were directly the reverse of those entertained by the Members for Dublin and for Bath,—that the people of the United Kingdom, who had sent three hundred gentlemen to that House to resist and to oppose them—should be maligned and slandered by these declarations? It was in vain to tell them that this was a Reforming Government, and that that constituted a claim to public favour which no Reformed Parliament could disallow. The people of this country knew better. They had learnt a lesson during the last few months, which they would not fail to recollect at the next general election. They knew that those who had been the loudest in their protestations of zeal to serve them, had done just nothing since their accession to power; that they had thrown overboard every measure of real, substantial, practical Reform, which by this time would have been the law of the land, if the right hon. Baronet, the Member for Tamworth, had remained in office; and had originated no one single Bill which they had the slightest expectation of being able to carry. And was it seriously meant that there was to be no check upon conduct like this? that the hands of the other House of Parliament were to be tied up upon questions of high national concernment? Was it meant that that House was, or only that it ought to be constituted, the sole depository of political power? If the former, since when, he would ask, had so atrocious and monstrous a doctrine been openly revived? if the latter, he only wished that Gentlemen opposite would tell them so at once. Let them tilt their lances at the existence of the House of Lords—let them prove that the tide had not regularly and invariably set in of late years against the influence of the Aristocracy. Let them discuss that question upon plain and intelligible grounds, and he (Mr. Milnes Gaskell) feared not the result. He knew that that House possessed the power to take what was called a bold and resolute line upon this question. He only hoped that it would take a constitutional and a safe one. It was easy to enlarge its democratic functions beyond their just and natural boundaries; but if they did, they would rue their acquiescence in the principles on which their measures had been founded; and the people of England would rue it with a bitter and unavailing regret, when they found that they had transferred the powers which had hitherto been inherent in the three co-ordinate branches of the Legislature, into the hands of agitators and demagogues in this country and in Ireland.

Mr. *Charles Buller* did not wonder that his hon. Friend should be quite shocked at any intemperate language that might be used; it was, however, fortunate that there existed some temperate and sage men in the House. But he could not understand the extraordinary scruples about one House of Parliament speaking of the other. Three or four years ago, the House of Lords spoke of the House of Commons in no measured terms. But God forbid that any one should think of upsetting the House of Lords. All that he wished to do, was to call the attention of the House to a subject which had already engaged the attention of the people—he meant the necessity of a Reform of the House of Lords. It was well to consider whether it were possible that an unreformed House of Lords could go on with a reformed House of Commons; whether it were possible, after having done away with the irresponsibility of this House, they could go on with an irresponsible House of Lords, tempered as it was with very little respect for the House of Commons. A collision had taken place. It was not a collision of a moment; it was a perpetual collision between two irreconcileable branches of the Government; and it became wise and constitutional men to set themselves about devising a wise, moderate, and constitutional remedy of a permanent nature, for an otherwise permanent evil. With regard to the Amendments, it was said that they had left the principle of the Bill intact. They had done so in words, but they had violated the principle in fact. The whole of the Amendments were hostile to the principle of the Bill. The various alterations made in the Bill by the Lords, were all detrimental to the measure as passed by the Commons. The House, therefore, could not doubt the *animus* with which the Amendments were made; nor would the House be taken in by the paltry and odious pretext—that they were made from a feeling of sympathy towards the poor—a pretext which he never heard but he was sure the man who used it, did so for the purpose of making these poor the degraded instruments of the corrupt designs of the rich. Though he was perfectly convinced of the utter impossibility of working with the House of Lords, still he agreed with the hon. and learned Member for Dublin, that it was their duty, considering the important interests confided to them, to proceed as peaceably and temperately as possible; and never put themselves in the wrong, but put their opponents in the wrong in the eyes of the country. He would therefore abandon his own, and adopt the concessions of the noble Lord; but he did so from a paramount motive, and not because he did not entertain very strong objections to many of those concessions.

Mr. *Wilkes* thought the House should proceed to consider the Lords' Amendments, without any further general discussion.

Mr. *Thomas Attwood* entered his protest against what he considered a compromise with the Lords. If his Majesty's Government and this House made themselves the ramparts between the House of Lords and the public feeling, the consequence would be, that both the Government and the House would be contaminated with the odium that now attached to the House of Lords. If the Government proceeded in this course, it was his conviction that their doom was fixed. This Bill was the second edition of the Irish Coercion Bill, which, with other aristocratic measures, had produced the ruin of Earl Grey's Government. Their present course would again break up the Administration; and how was another Administration on the same principles to be formed? He believed that the House of Lords would reject their partial concessions. They would then throw out the Government, and next they would send the Members of that House before their constituents. This he did not fear; but he believed that many would then rue the course they were now pursuing. His Majesty's Government knew nothing of the feelings of the people. They saw, during the late elections, that the people were equally divided; and they therefore thought that the people were apathetic in the cause of British liberty. But they were not apathetic; they were only indifferent to the Whigs. He was quite sure that if Ministers would yet pull up, and insist upon the Bill as it was sent up to the other House, they would get the support of the people, and be the most powerful Ministry that ever existed. He therefore urged upon the noble Lord to send the Bill back to the House of Lords, in the same state in which it was a month ago; and he entreated him not to consent to one of the hundred and fifty abominable Amendments made upon it. If the noble Lord would consent to do that, he (Mr. Attwood) would feel very much obliged to him; but if not, he felt bound to give the Bill, as it now stood, his very decided, although humble, and, he was afraid, inefficient opposition.

The House proceeded to consider the Amendments *seriatim.*

Lord *John Russell* referred to Clause E, page 18 of the Bill, which enacts, "That the Mayor, Aldermen, and Councillors to be chosen in each borough, together shall constitute the Council of the borough," and moved that the words "which Aldermen shall hold their offices for life," be struck out. The principle involved in this Amendment was, whether Aldermen should continue for life or for a limited period, and as no hon. Member on either side of the House had said one single word in favour of the continuance of Alderman for life, he expected that he should meet with a general concurrence in the course which he proposed.

Mr. *Scarlett* said, that this Amendment would have the effect of abolishing dignities and offices which had been secured by the Charters of the boroughs. This he did not consider proper. He thought that Aldermen ought to be for life. He thought also that the House of Lords had not gone so far as they ought to have gone. The Bill was founded upon improper principles from the beginning, and his opinion was, that the House of Lords would have been justified in rejecting it altogether.

Mr. *Law* could not disguise from himself the utter hopelessness of any further struggle upon this subject, after the declaration of the right hon. Baronet. He thought that the abolition of the privileges and dignities now existing in certain individuals, was the greatest injustice to those individuals. It was not to be supposed that those privileges were worthless, for he could assert that they were great and valuable. He only wished to record his opposition to this amendment, and to state that the grossest misrepresentation had been raised as to the conduct of the persons who at present held offices under the corporations.

Sir *Robert Peel* said, that the proposition objected to by his two hon. Friends who spoke last, was not that to which he had objected, nor would he have been prepared to support such a proposition as they had advocated.

Mr. *Charlton* said, that if the principle of popular election were once agreed to, there was no saying where they would stop. The principle of that Amendment might next be extended to the army and navy, and for ought he knew, it might then be proposed that the election of the King himself should be submitted to the same ordeal.

The Amendment proposed by Lord John Russell on the Lords' Amendment was agreed to.

Lord John Russell moved the insertion of words to the effect, that one-half of the aldermen should go out by rotation every three years.

Mr. *Grote* could not allow this amendment to pass, without protesting against the principle of election for a certain number of years. Whether one-fourth or one-half went out the principle was the same, and in his opinion was highly objectionable.

Dr. *Baldwin* considered that this amendment was, in fact, giving in to the principle of self-election, and he therefore protested against it.

Mr. *Phillip Howard* trusted they would be able to arrive at rational reform without any radical changes in the Constitution. He regretted the Lords did not concur in the clause relative to the appointment of magistrates, as it would place justice on its best basis—that of public opinion. The dividing into wards, as proposed by ministers, was much preferable to the amendment of the Lords, because it would contribute a great deal to repress the spirit of jobbing. He was satisfied that the course which the Government had taken was one that, under all the circumstances, would entitle them to the lasting gratitude of the country.

Amendment agreed to.

Lord *John Russell* then said that the next Clause (Clause H) enacted " that the mayor and aldermen should, during their respective offices, continue to be members of the council of the borough, notwithstanding anything hereinafter contained as to councillors going out of office at the end of three years." He disagreed with this clause altogether, and he therefore moved that it should be struck out.

Mr. *Scarlett* thought it important that they should retain some of those who knew the manner of transacting the business of the borough. He was not one of those who thought that the present councillors had mismanaged the corporate affairs; for, on the contrary, he thought they had conducted them well. If reform of corporations had been necessary, it might have been done as effectually, and with greater justice, by the Court of King's Bench. He contended that with this measure revolution had commenced.

Clause struck out.

Lord *John Russell* proposed the restoration of that part of Clause 35, relating to justices of the peace, to the state in which it was before the amendment of the House of Lords.

Motion agreed to.

Lord *John Russell* proposed an alteration in the Clause which gave power to the revising barrister to decide upon the division of corporate towns into wards. He proposed that as these gentlemen might be in some cases inexperienced, that the decision should be sent up for the approval of the King in Council, and if his Majesty did not approve, that then the matter should be sent back for revision.

Mr. *C. Buller* objected to any proposition tending to throw additional labour upon the revising barristers, who already had their hands full. He was convinced that those gentlemen who had been appointed for the present year would not be able to get through their duties within the six weeks, to which they were limited. Let hon. Members only imagine what, for instance, would be the work of revision for the county of Middlesex, and then judge whether revising barristers could possibly, in addition, undertake the labour now proposed to be cast upon them? For his part, he would rather throw the duty upon the bishop of the diocese or the excise officer.

Mr. *Hume* considered the clause as it originally stood far preferable to the Clause as now amended. He would ask even the Right hon. Baronet opposite whether he did not prefer the adjudication being left to the Commissioners, to the new arrangement of referring it to the revising barristers and the Privy Council, and he was willing to be bound by the right hon. Gentleman's decision.

Sir *Robert Peel* believed this was the first time the hon. Member had ever honoured him by placing so much dependence on his judgment, and he was sorry that he could not encourage him by concurring with his views. Under all the circumstances he thought it better to accept the Amendment of the House of Lords with the addition suggested by the Noble Lord.

Major *Beauclerk* was certain that the division into wards would make the boroughs close corporations. He considered the amendment so objectionable that he felt it his duty to take the sense of the House on this question. He should move that Clause "I" be omitted, his object being to substitute the original clause for it.

Motion negatived without a division.

Mr. *Warburton* said this clause was founded on the principle adopted by the Kings of Rome in dividing the city of Rome into wards. "*Ne quisquam in civitate privatus suffragio esse videretur—sed ut apud primores potestas remaneret.*" The barristers were to be governed, not by the number of the population, but by the population and their wealth jointly. This he considered opposed to the principle of popular election. He should, therefore, propose to leave out the words, "And in assigning the number of councillors to each ward, the said barrister or barristers shall, as far as in his or their judgment he or they may deem it to be practicable, have regard as well to the number of persons rated to the relief of the poor in such ward as to the aggregate amount of the sums at which all the said persons shall be so rated."

Mr. *Grote* said, he saw nothing to prevent such a division into wards, under this Clause, as would create so many rotten boroughs. He repeated his protest against the Clause.

Motion negatived.

Lord John Russell's Amendment agreed to. Further consideration of the remaining amendments postponed.

TITHES' INSTALMENT SUSPENSION (IRELAND).] The Chancellor of the Exchequer moved the second reading of the Tithes' Instalment Suspension (Ireland) Bill.

Mr. *Hume* thought the House by this measure was giving relief to a body of men who did not deserve it, because they, (the Irish clergy) and their friends in another place, were the parties who had stopped reform in respect to the church establishment of Ireland. They had not come forward to solicit the other House to pass the Bill which would have relieved them, and at the same time done justice; and he thought to entertain the present measure would be to show too strong a disposition to comply with their wishes, especially after the manner in which the measure to which he referred had been treated elsewhere.

The *Chancellor of the Exchequer* thought it incumbent upon the House, under the circumstances, to pass this Bill. As he had stated on Saturday last, it would not suspend the payment of the instalments in every case, but only in instances where nothing had been received by the clergyman. That suspension only extended to such a period as would enable the Government to take the further pleasure of Parliament upon the subject—namely, the 5th of April, 1836; and without this Bill they would be compelled at once to take proceedings against the whole body of the Irish clergy who had received any advance from the million fund.

Bill read a second time.

HOUSE OF LORDS,

Tuesday, September 1, 1835.

MINUTES.] Bills. Read a second time:—On the Motion of Lord BROUGHAM:—Public Music and Dancing.

Petitions presented. By the Earl of GLENGALL, from Caher, for an Alteration of the Law respecting Spirit Licences; from Clonmell, against the Municipal Corporations' (Ireland) Bill.—By Lord LYNDHURST, from Dumbarton, against the Imprisonment for Debt Bill.—By the Earl of SHAFTESBURY, from three Places, for Protection to the Church of Ireland.

PATENT LAWS.] Lord *Brougham* stated that his noble and learned Friend and himself had, two years ago, objected to a Bill which was brought up from the House of Commons upon the Law of Patents for Inventions. The evils of the Law of Patents, as that law now stood, were admitted by all. No protection was given to an inventor even of the most meritorious kind; but while this was the case, the public were left without any adequate security against monopolies. The Bill formerly introduced had afforded but insufficient remedies for these evils, and had introduced faults of its own. His noble and learned Friend had, therefore, considered the subject, and he had framed a Bill which met with the approbation of his noble and learned Friend. It had been presented to their Lordships, who had read it a first and second time, and it was then referred to a Committee up stairs. His noble and learned Friend had attended that Committee, and some changes and improvements had been introduced into the Bill, which had then been passed by their Lordships. It was then sent to the other House of Parliament, and improvements were made in it in one or two minor particulars—it was extended to Scotland and Ireland, which was very proper, and some technical expressions, less distinct than could have been wished, were amended. He acceded to all these Amendments, and should recommend them to their Lordships' adoption. But there was a change in the Bill, which, in his opinion, was most unfortunate. It took from the Bill one of its best provisions, and for the reasons on which it had been introduced he was utterly unable to account. The difficulty under which the patentee chiefly laboured was this, that if the invention was of value, he was scarcely ever secure of a remuneration for his labour and his skill, for the pirates, the men who pirated his invention and pirated it the more in proportion to its greater value, formed a stock purse and harassed him for years with disputes as to the validity of his patent in Courts of Law. If the validity of the patent was in every instance established it must be at an immense cost to the patentee, who might be employed perhaps during the whole of the fourteen years in expensive law-suits and might derive but little advantage from his patent. In this way Watt, the great improver of the steam-engine, the man to whom society was so much indebted, had been almost ruined. To remedy this mischief the patentee generally applied for an Act in cases where the patent was applicable to a subject of great value, in order to renew the patent for seven or fourteen years. This application was, in the first instance, generally made to their Lordships' House, but in cases which warranted it they might easily imagine that the parties opposing the Act would use all possible influence against its adoption. It was proposed in the present Bill that instead of coming to Parliament, where the parties might be put to the great expense of attending with counsel and witnesses for the space of sixty days, at the end of which time twelve noble Lords, who had not heard a word of the evidence, might come down and vote upon it, a circumstance which might happen in a patent case as well as in any other, a circumstance which might happen in a patent case though he hoped that it could not happen in any other, and the party might thus be defeated in obtaining what he was fairly entitled to. It was proposed, therefore, to transfer the adjudication of a claim of this sort for a renewal of the patent from their Lordships' House to the tribunal of the Judicial Committee of the Privy Council, where no such influence could ever prevail. This tribunal was admitted to be well-contrived for the purpose, yet the proposition had been removed from the Bill by the Commons. Now the public looked upon this as one of the best parts of the Bill, and on its removal as a jewel torn out of a crown. He should, therefore, recommend that, with respect to this alteration, their Lordships should take the only proper course without negativing the Amendment, which would, in fact, amount to throwing out the Bill, and that they should at once adopt the other Amendments.

The other Amendments were agreed to; and on the subject of the one objected to, it was agreed that their Lordships should desire a conference with the House of Commons.

DUBLIN POLICE BILL.] The Marquess of *Londonderry* said, that he wished to set himself right with respect to what had passed yesterday between himself and the noble Viscount opposite. He had seen the two measures—the Constabulary Bill and the Dublin Police Bill, brought up to that House. He had examined them, and when he took into consideration all the circumstances connected with his country, he could not but see that the object of them was to increase in Ireland the power and influence of that gentleman to whom he had before alluded. If he was wrong in his opinion, he implored their Lordships to consider what was the language of that gentleman, no longer ago than the 26th of August last, to a Committee at Glasgow, who had offered him an entertainment. His language was so remarkable, and his declarations so decided, that if their Lordships did not feel dismay when they considered what had passed in Ireland, that was their concern; but as long as he had a voice in that House, he should not cease to use it in declaring his firm opinion, that the further increase of the power of that individual would be fatal to the country. He should read the two last paragraphs of the letter to the Glasgow Committee. The noble Marquess read them accordingly. They stated that the people never would have the taxes taken off labour and placed upon property, till the franchise was extended beyond its present limits—till the House of Hereditary Legislators was so altered as to feel the reasonable influence of popular opinion, and the Members of that House sympathized with the people at large, instead of presenting a factious and wicked opposition to the progress of popular ameliorations. It went on to say that it would be the business of the writer to co-operate with all Reformers in the peaceable, active reform of the House of Lords, so as to identify the interests of its Members with those of the people; and till that was done, there would be no diminution of the burdens of the people. The letter was signed Daniel O'Connell. These were the opinions of that individual, and would prevent him (the Marquess of Londonderry) from giving his support to any Bill, the tendency of which was to give greater powers of management into the hands of the gentleman whose doctrines he had just read. He thought it due to himself to state the grounds why he had looked with suspicion on a Bill introduced under the auspices of that party, the connexion with which was the only stain upon the Government.

Viscount *Duncannon* did not know why he was to be made responsible for the terms of Mr. O'Connell's letter to the people of Glasgow; but as he had nothing to do with that letter, and as Mr. O'Connell had not been consulted about the Bill which had been brought before their Lordships, and as he could not conceive why the noble Marquess supposed that patronage which this Bill would create would be at the disposal of Mr. O'Connell, he did not know how to answer the noble Marquess, for if the noble Marquess's objection meant anything, it meant that while Mr. O'Connell was in existence no such Bill as this, however good in itself, should be allowed to pass. The noble Marquess would say the same with respect to the Registry Bill. There might be some parts of it, perhaps, objectionable to him; but if the noble Marquess meant to say that the same objection which had governed his conduct last night would make him vote against that Bill, he must say that such conduct was quite unreasonable; and he distinctly denied that Mr. O'Connell had interfered in any manner with the Bill beyond that of introducing an Amendment into it during its passage through the House of Commons.

Lord *Hatherton* said, with regard to the Constabulary Bill, that it had been in his office all last year, and that the sole reason for not introducing it at that time was, that he feared it would then encounter the hostility of the very individual who had been named.

The Marquess of *Londonderry* was glad to hear those statements, and now he heard them, he should think he had been wrong in objecting to the Bills on that ground; but the letter he had read justified his feelings. He should be sorry that he should state anything against any individual when it was not right.

Lord *Strangford* said, that what they had just heard justified the belief of the influence of Mr. O'Connell, since it appeared that a Minister was afraid to introduce a Bill on account of the opposition it might encounter from that individual.

Lord *Holland* wished to know what it was that a Constitutional Minister of the Crown would do when a matter came under his consideration, if he was not to weigh all the reasons for and against proposing it at a particular moment? Should he not consider what Bill was likely to meet with opposition, and what was not likely to meet with it? He should wish also to know whether the noble Marquess was prepared to say whether a Bill of this nature might not be materially injured by the opposition of a man of the talents of Mr. O'Connell?

The conversation was dropped.

HOUSE OF COMMONS,

Tuesday, September 1, 1835.

MINUTES.] Bill. Read a third time:—Shannon Navigation.

Petitions presented. By Lord J. RUSSELL, Mr. THORNELEY, Mr. CUTHBERT RIPPON, Mr. CLAY, Mr. HUME, Mr. WILKS, and Mr. STRUTT, from a Number of Places, against adopting the Lords' Amendments to the Municipal Corporations' Bill.

CHURCH COMMISSION (SCOTLAND).] Mr. *Sinclair* rose, in pursuance of his notice, for the purpose of addressing two questions to the noble Lord, in reference to the Commission which had been issued by his Majesty's Ministers to conduct certain inquiries with respect to the Church of Scotland. He need scarcely tell the noble Lord, that much dissatisfaction and surprise had been excited in the minds both of the clergy and laity connected with the Ecclesiastical Establishment in that country; both by the terms of the Commission itself and the names of some of the individuals appointed to take part in the investigation. He acquitted the Government of all intention to affront or injure the Church of Scotland, but at the same time he was informed that the Commission was loudly complained of on two grounds. First, that it embraced certain objects, an inquiry into which before such tribunal, was derogatory to the character, and inconsistent with the independence, of the Church; and secondly, that some particulars were not comprehended, into which it was understood by the deputation of the General Assembly, that the Commission should very fully enter; more especially in reference to the propriety of a partial endowment for existing chapels of ease, the respectable and eminently useful ministers of which were, by a recent and most wise legislation on the part of the Church, now placed on a level with their parochial brethren. The names of the Commissioners had also, in several instances, given great and just umbrage to the friends of the Church. They would by no means have objected to the nomination of some individuals, acknowledging the necessity of a Church Establishment, but questioning the propriety of granting any sum of public money in furtherance of its usefulness; but it did seem extraordinary to appoint, as members of the Commission, persons who were hostile to the existence of any national establishment at all, and who could not, under any view of the case, be expected to countenance the application of any funds from the national treasury for extending its operations. If an inquiry were instituted into the propriety of increasing our military force, it would be proper that some of the persons conducting the investigation should be selected from those who admitted the expediency of keeping up a certain amount of troops, though they were averse, without cause shown, to the number being augmented, but it would be a mockery to nominate in such a commission individuals who maintained the principle that there should be no standing army at all. He wished to know whether the noble Lord could have any objection to lay before the House a copy of the remonstrance, which, by an overwhelming majority of ninety to three, had been addressed upon this subject to his Majesty's Government? And secondly, whether in consequence of the objections urged against the terms of the Commission, and the names of those appointed to conduct the inquiry, it was the intention of the noble Lord in either of these particulars to defer to the wishes and consult the feelings expressed from so respectable a quarter?

Lord *John Russell* had received a remonstrance from the General Assembly of the Church of Scotland on the subject of this Commission, representing that there were some of the members of it not friendly to the Church. He must also state that he had received another remonstrance from the central body of the Dissenters of Scotland representing the Commission as too favourable to the Church—stating that the Dissenters were not fairly represented upon it, as there was only one member of it a Dissenter, and adding, that as that gentleman would be sent into the country parts, the Dissenting interests in such places as Edinburgh would not have fair play. Now, he was not disposed to alter the Commission upon either of those representations. The General Assembly had been able to point out three persons to whom they objected in the Commission; one was a Dissenter, and the other two they stated were not favourable to the claims of the Established Church. Now here were only three out of eleven, and of the remainder the large majority were decided friends to the establishment; and though there were others who had expressed themselves favourable to the extension of religious instruction, they had not taken any decided part in the Question. Taking all these things into consideration, he did not think that any candid person could find fault with the composition of the Commission. As to the terms of the Commission, the hon. Gentleman misunderstood them greatly if he supposed that the Commissioners were to interfere with the arrangements or the discipline of the Church. The only powers given to the Commissioners were to inquire into the religious instruction and pastoral superintendence afforded by the Church. They were to make the same inquiry as regarded the Dissenting congregations, but in neither case were they to interfere with their discipline or Ecclesiastical arrangements. He was perfectly aware that the terms of the Commission had been misunderstood. He therefore begged to say that the inquiry extended to all means of religious instruction. It would be his duty to address a letter to the Earl of Minto, who was at the head of the Commission, pointing out the duties of the Commissioners, and stating what were the intentions of Government in appointing them. He should have no objection, after he had looked over that letter, to lay a copy of it, together with copies of the remonstrances he had received from the Church and from the Dissenters of Scotland, before the House. He hoped to have them ready before the last day of the Session.

Subject dropped.

CORPORATION REFORM (LORDS' AMENDMENTS.] The House resumed the consideration of the Lords' Amendments to the Corporation Reform Bill.

Lord *John Russell* would take that opportunity to state the course which he intended to propose respecting the qualification, the Clause regarding which had been postponed. As he had stated last night, he was disposed to take 1,000*l.* as the qualification for Town-councillors in boroughs with four wards, and 500*l.* in boroughs with less wards than four. He would propose no other security than that contemplated in the original Bill—that the person should make a declaration that he possessed such a qualification, and that he should be subject to a penalty if he acted without having the required qualification. He thought it a great advantage thus to get rid of the list of one-sixth of the highest rate-payers, and the councillors' roll. The councillors' roll would be rendered wholly unnecessary, and thus that palpable distinction of one portion of the inhabitants of a town from the other would be removed. All the Clause, as he proposed it, would require was, that when a person was elected a Town-councillor he should make a declaration that he had the necessary qualification. By that means no person would have a right to say to his neighbour, "You see I am on the councillors' list. I can be a councillor, but you are excluded from any chance of attaining that honour." Obviously, the best time for requiring a test as to the qualification was when a person had been so far trusted by his fellow-citizens as to be elected to such an office. He intended to propose a clause comprehending the alterations he had mentioned, and to propose that part of the Lords' Amendments relating to a list of one-sixth of the highest rate-payers and the councillors' roll. That Clause had been already postponed, and he would propose to go back to the consideration of it after the House had disposed of the Clause relating to Dissenters taking part in the appointment to benefices.

Sir *Robert Peel* said, that the principle of qualification having been conceded by the noble Lord, he (Sir R. Peel) was clear as to this point, that the simplest test as to qualification that could be proposed would be by far the best. He did not think that the selection of one-sixth of the highest rate-payers was a good test. It certainly had the advantage of simplicity, but it was at the same time fraught with an infinity of disadvantages, that countervailed completely all the benefit derivable from its simple nature. In the Jury Bill, where a qualification was required, he had selected the simplest as the best test, and a man who occupied a house with fifteen windows was qualified to serve on juries. They could not have such a test here, but they should be guided by the same principle of simplicity in selecting one. The noble Lord proposed only one test—namely, 1,000*l.* in real or personal property for boroughs with four wards, and 500*l.* for boroughs with a less number of wards. Now, he (Sir R. Peel) thought that it would be a great advantage to give an alternative test. He repeated, he had no objection to abandon the one-sixth of the highest rate-payers, as he regarded it as a bad one. He would propose, however, to superadd to the test of possession of property rating to a certain value or amount. He would propose, that in the first class of towns parties rated at 30*l.* a-year, and in the second class of towns parties rated at 15*l.* a-year, should be eligible as Town-councillors. He could very well conceive the case of a man of respectability, of integrity, and consideration in one of those towns—a man possessing the confidence of his fellow-townsmen—occupying premises of a certain value, and paying rates to a certain amount, and yet who might find it difficult to declare that he was worth 1,000*l.* He could conceive the case of such a man, occupied in expensive but safe and lucrative speculations, as to whose wealth there could be no doubt amongst his fellow-townsmen, and yet who might have a scruple to declare that he was actually worth 1,000*l.* Besides, there would arise this consideration—was it 1,000*l.* free of all debts and incumbrances? Now he would meet cases of that kind by this alternative, test of rating. It was a thing easily ascertained, and about which there could be no doubt.

Lord *John Russell* was glad to find the right hon. Gentleman agree with him in thinking that the preservation of the list of one-sixth of the highest rate-payers was not necessary. He thought the alternative test now proposed by the right hon. Baronet an improvement in the Clause, and he would move its introduction when they came to the consideration of the Clause.

Mr. *Grote* had no doubt of the disposition of the House to simplify the test as to qualification, but he objected altogether to the principle of a qualification. It was just as easy to conceive cases of men deservedly possessing the confidence of their townsmen for their integrity and spotless conduct, but who were not rated to the amount specified by the right hon. Baronet, as it was to conceive similar men not worth 1,000*l.*

Mr. *Roebuck* thought he should be enabled to state a proposition more desirable and beneficial than that laid down by the noble Lord himself. In small towns it would be found impossible to get a sufficient number of Councilmen worth 1,000*l.* and, that being the case, what had been done? Why, it was proposed that in such places 500*l.* should be sufficient; that, in his opinion, would in many places be utterly impracticable. Upon the first occasion almost of his addressing the House he stated his opinion to be, that the only proper test of a man's capability for an office was his free election to it by his townsmen; and in that opinion the noble Lord fully coincided

Mr. *Harvey* trusted the House would not be led away by any suggestion, however plausible. The right hon. Baronet who had thrown out the one so eagerly taken up by the noble Lord, said it would get rid of the qualification roll of one-sixth of the rate-payers; but it was to be considered that rating in the country was not on the same basis as in Whitehall or Westminster. There 15*l.* was not only in a great many places a high rating, but a high rent; and there would be many towns in which not ten houses would be found rated at the full amount. According to the proposition, a person in Bath, which had four wards, might be worth 800*l.*, but there he could not be a councillor, for 1,000*l.* was the qualification; but let him go to Frome, which was divided into two wards, and there he was immediately elevated into wealth, rank, station, and intelligence, none of which he possessed in Bath, and there he was perfectly fit for the station he could not fill in Bath. Though he should be sorry to see the Bill lost, he did hope there would be a division, in order to show the people that this Amendment, this great boon, was given them by those who delighted in being called the Tribunes of the people.

Lord *John Russell* was anxious to say a few words in answer to what had fallen from the two hon. Gentlemen who had last addressed the House. He begged to state most distinctly, that in agreeing to Amendments now in the Bill, and in proposing others of the same import, he did so solely with the view of passing what was an efficient measure, notwithstanding all its glaring defects. He protested against its being considered that he thereby gave in his adhesion to the alterations made in the Bill elsewhere. He should still consider himself at liberty, nay he might feel it his duty, if by any chance the Bill was not passed, to introduce the old Bill in its perfect integrity. He totally denied that he had made any concession in principle, or one that would bind him not to alter the Bill.

Mr. *Ward* hoped no division would take place on this question, because he felt that it would give no fair test of the real opinions of the House in a case like the present. No man was more strongly opposed to qualification than himself, but he thought a division on the subject would be impolitic. Though the Qualification Clause was unjust, unwise, and wholly inoperative, as it would only affect the conscientious and scrupulous burgess, yet he should oppose any division on it now, because his desire was, after making the Bill as perfect as circumstances would permit, to secure its passing into a law. A division, he would repeat, would in no respect give the real sense of the House. They had already had a division upon the same principle, and it was well known to the country that the new clause was none of theirs. He always with great regret differed with the hon. Member for the City of London (Mr. Grote), but on this occasion, these Amendments being taken both by the Ministry and that House under protest, and the concessions of Government being met in so conciliatory a spirit by the other side, the Debate had taken quite a different turn, and he would not like to see a division upon this point. The circumstances of the case had induced him (Mr. Ward), not to give expression to his opinions upon the practical difficulty which a Reformed House of Commons experienced in working with an unreformed hereditary House of Peers. Although he was satisfied that if that House had taken a strong and decided course, they would have had the sense of the country in their favour. But as the hon. Members on the opposite side had, through the right hon. Member for Tamworth, their legitimate leader, expressed their willingness to accept the concessions made by the Government in that House, it put an end to all discussions upon that point. He disapproved of many of the concessions which had been made; among others, the perpetuation of the rights of freemen, and the appointment of aldermen for six years, which was almost as bad as the present system; yet he was ready to pass over these objections, in order to show the spirit of conciliation that existed in the House, and that they did not wish to enforce their opinions without regard to those of others. Nothing but considerations such as these should have induced him to assent to any Amendment so narrow-minded, so overbearing, so insolent, as that which constituted the Oligarchical Councillors' list, an oligarchy of the breeches'-pocket, and not of probity, experience, or intelligence. The Amendment proposed by the right hon. Member for Tamworth, made a material difference in his view of the case, and he should oppose a division on the Question, reserving to himself the full right of protesting against any qualification whatever as a principle.

Sir *Robert Peel*, in consequence of an observation which had fallen from the hon. Gentleman, felt himself called upon to restate what he had already stated yesterday —namely, that in what he said with regard to these Amendments, he was only giving expression to his own opinions, and not expressing the opinions of others. To the opinions which he entertained before these Amendments were made, he was still ready to adhere, but at the same time, he was prepared, as far as possible, to acquiesce in any Amendments, beside those which he himself suggested, which would have the effect of leading to an amicable arrangement of the question. He proposed the qualification of rating not in lieu of the other, as seemed to be imagined by the line of argument which had been adopted, but concomitantly with the pecuniary qualification, and for the purpose of widening the sphere from which the Town Council was to be selected. Hon. Members threatened a division. Well, then, were they to divide upon the qualification, or were they not? If a division were resolved upon, the sooner it was resorted to the better; but, in his opinion, notwithstanding all the absurdity that had been attributed to the qualification, there would be still more in pressing a division which hon. Gentlemen would go to with a trembling hope that they might prove unsuccessful.

Mr. *Clay* thought the arguments of the hon. Members for London and Bath were unanswerable; but it would be better not to press the Amendment to a division. He was against the principle of qualification, but it was necessary to make some compromise. He begged to ask the noble Lord whether there would be any test as to the amount of qualification or any scrutiny, and he would also be glad to know whether the noble Lord meant to accede to the alteration in the qualification proposed by the right hon. Baronet?

Lord *John Russell* proposed to omit the "List," and also to do away with the necessity of qualifying, except in the cases of persons who were actually elected to office, when they would have to make a declaration. He was prepared also to accede to the right hon. Baronet's alternative qualification of paying rates to a certain amount in cases where parties were not worth 1,000*l.* or 500*l.* pounds. He would also adopt the suggestion of the right hon. Baronet, so as that the party could qualify either by property or rate. The amount of the rate might be a subject of discussion; but for himself he was disposed to accede to the proposition of the right hon. Baronet.

Sir *Robert Peel* said, that the proposition he made was, that the 1,000*l.* qualification should have a concomitant one of a rating of 40*l.*, and that of 500*l.*, one of 20*l.* He had since considered and inquired on the matter, and had been induced to take a lower rating, namely 30*l.* and 15*l.* Below this he was not prepared to go.

Mr. *Bernal* said, there was no man in the House who was so positively opposed to the doctrine of qualification as he was, because he considered it useless, and he was sure it would prove inoperative, and it would be a source of discord throughout the country. If one man swore or made a declaration that he was worth 1,000*l.* or 500*l.*, another of the same business would consider him to be his rival, and that if he did not make the same declaration, he would be committing an act of suicide and insolvency. Again, in many places in the country, there were men of property living in great respectability, who occupied houses that were rated no higher than 10*l.* per annum; he, therefore, thought the scale mentioned too high. He hoped, however, the point would not be pressed to a division.

Mr. *Baines* observed, that the proposition of the right hon. Baronet would be attended with difficulties in consequence of the inequality of the valuations, which were sometimes to the full amount of the rent, sometimes to one-third, and sometimes as low as one-fifth. He would vote for the qualification, though, in his opinion, the Bill would be much better without it. He would entreat the hon. Member for London not to press this matter to a division, as it would not effect the purpose he had in view, viz., to show what was the disposition of the House upon this point?

Mr. Sergeant *Wilde* was satisfied that the result of a division would be that it would lead to an impression that a very considerable number of Members did not disapprove of the principle, although they voted in the majority from far different reasons. With respect to the question itself, he, for one, was very much gratified at the course taken by the right hon. Baronet, the Member for Tamworth. He did not show any desire to triumph, but to forward a really practical measure of great public utility; and this measure going to the country with his sanction, would be efficient to a greater degree than otherwise. He was therefore desirous of acquiescing in any suggestion of his upon this occasion, because he was satisfied that in his suggestions he acted perfectly *boná fide,* and not from any desire of impeding the fair effect of the Bill.

Mr. *Wallace* would like to know why there was to be a different measure meted out to England, from that which had been given to Scotland? They had no qualification there, they wanted none, and the whole system worked well without it.

Mr. *O'Connell* would not detain them for many minutes. It was always wise to divide upon a difference of principle, as every man thought it of importance to have his own opinions known, and to know how many would vote with him. But upon this question it would mark no such distinction; he was himself as much opposed to a qualification as any man could be, and yet he would vote for the Clause, and many others had said they would do the same. He did it on the principle of a compromise, and in order to throw the blame upon others if the Bill were lost. He thought the qualification, as it came from the House of Lords, was totally undeserving the consideration of the House, and he was happy to see that it was thrown over by everybody. He did not see how human ingenuity could have invented a greater inquisitorial oppression than the qualification proposed by the House of Lords. So absurd and unjust a qualification he had never heard of. He was exceedingly glad that the qualification had been so far modified.

Colonel *Sibthorp,* for one, most cordially agreed to the Lords' Amendments. He wished the House would divide, for he wanted the opinions of Members to be known. His own humble opinions he was ever ready to make known; but this was exactly the reason why he doubted that others in the House would consent to a division. "Discretion, was often the best attribute of a General." The dispute reminded him of a quarrel between two dogs—one a fine constitutional bloodhound (the Lords) the other a miserable mongrel, and in the end the dog of noble blood would be sure to have the victory.

Mr. *Leader* could not agree with the hon. and gallant Member who had just spoken, for he disapproved of every one of the alterations which the Lords had made in the Corporation Reform Bill. They must, he supposed, salute the gallant Member as leader of the Conservatives, as the right hon. Baronet had resigned that important trust—or, rather in the gallant Colonel's own impressive words, they must salute him chief of the constitutional blood-hounds of Great Britain. With respect to the Qualification Clause, he could assure the hon. Member for Rochester that he disliked it fully as much as he could. He (Mr. Leader) detested the principle of a money qualification—and looked upon this clause as the most objectionable and the most pernicious of the Lords' alterations. But they were told that men who had the charge of public property should be men possessing property themselves. Why, suppose such a principle established, what sort of Chancellor should we have? Suppose that there existed a law, excluding from the office of Lord Chancellor of England any man who was not possessed of a clear landed estate of 20,000*l.* a-year—such a law would certainly be absurd—but not more absurd than this Qualification Clause. Had such a law existed, a certain highly distinguished individual must have been contented to remain a plain barrister—begetting none but plebeians—a Whig, and something more than a Whig—instead of being (as he now is) a pensioned Ex-Chancellor of England—having the enviable power of procreating a Peer, and being a Tory, and something more than a Tory. He did not complain of that individual's high station. He raised himself, he had no doubt, as all lawyers in this country must raise themselves, by his own merit and by his own exertions—but he did complain that a qualification should be demanded of Town-councillors, when no qualification was required of a Chancellor. Why, the property administered by the Lord Chancellor was surely of infinitely more value and importance than that of which the Town-councillors are to have the charge. They had been taunted with being afraid of a division; he for one was not afraid of any division which there might be upon this point—he looked upon it as unimportant, for they had, for the sake of attaining a great object, waved the Question of Qualification altogether. The only division which he feared was a division in principles among the supporters of a liberal cause. But whether there was to be a division or not, he could not allow this discussion to close without protesting most strongly against the principle of pecuniary qualification.

Lord *John Russell* said, as they had fully explained themselves as to the Qualification Clause, and must for the present postpone the verbal alteration necessary in it, he should, propose to go back to the 25th Clause; he would move, as an amendment, that the words "preacher," or "teacher," in any Dissenting congregation, should be struck out, and the following words should be added "or being the regular minister of any Dissenting congregation."

Mr. *Goulburn* did not think the words were sufficiently comprehensive — there were many Dissenting ministers who were not regular ministers.

Mr. *Wilks* was fully satisfied with the words proposed by the noble Lord. There were many men who, though preachers or teachers, were not regular ministers, but followed another calling. He wished only the regular ministers of congregations to be excluded.

Mr. *Goulburn* suggested the Amendment should be, "whether a Dissenting minister or not, appointed to any congregation." He thought all should be equally excluded, and that the Amendment should be extended to shut out all preachers.

The *Chancellor of the Exchequer* would take all the objections that had been urged, and would add another from himself. If the Lords' Amendment were agreed to, it would exclude all the Society of Friends, for they were all preachers, and the effect of that clause would be to exclude every Quaker.

The Amendment agreed to.

Lord *John Russell* would then return to the Qualification Clause, he proposed to insert these words, "unless he shall be seised or possessed of real or personal property to the following amount, that is to say, in all Boroughs which by the provisions of this Act are to be divided into four or more wards, 1,000*l.* and in all boroughs which shall be divided into less than four wards, or not divided into wards, 500*l.*" After these words he should propose to insert the alternative qualification of the right hon. Baronet opposite.

Mr. *Ewart* thought the smaller qualification might safely be taken in the largest towns; 1,000*l.* was much too high.

Sir *Edward Codrington* objected altogether to the principle of qualification. In the Town which he had the honour to represent a qualification of 1,000*l.* or Stock to the amount of 1,500*l.* was required and these persons being obliged to swear to that amount had deterred a great number of most respectable persons in the tow from taking office. He himself was aware of not less than twenty-seven persons who continued in the Corporation having sworn that they possessed the required amount of property until they actually became insolvent. He believed it would not work well in towns, and he should be glad to see it altogether done away with.

Mr. *William Williams* would give his most decided objection to the Qualification Clause. The noble Lord had last night spoken so powerfully against it that he had hoped that he had altogether abandoned it. There was one point to which he wished to call the attention of the House. The other House had shown a great attachment to ancient customs in discussing the principles of that Bill. But it so happened that in none of the ancient charters was any qualification necessary. The City of London possessed one of the most important and ancient charters, and in none of the corporate officers was qualification required. The Common Council had the power of establishing a qualification, and although they had been 500 years a governing body, in no one instance had they attempted to establish such a test. It could not be proved that in any of the Corporations qualifications were required for any office. It was remarkable that in the City of London persons might be disqualified from serving some offices; as, for instance, a person elected to serve as an Alderman would be disqualified if he swore that he was not worth 15,000*l.* or, if elected a Lord Mayor he would be disqualified if he swore himself not worth 20,000*l.* As to the Common Council, there never was any qualification required for the office, which was made compulsory like that of constable. A person elected to serve as Sheriff would not be excused unless he paid a fine: in point of fact, the only qualification for these offices was the being chosen. In many places men might be worth 100,000*l.* but so engaged in business that they would rather pay 500*l.* than serve the office, while another man, not worth more than 100*l.* would feel a pleasure in serving the public.

Sir *Ronald Ferguson* was opposed to the principle of qualification, and hoped that the country would pour in numerous and strong petitions against it, and calling upon the Lords to remove all qualification. He thought it most unjust to establish rates of qualification—1,000*l.* for one, and 500*l.* for another. In large towns there were many men not worth 500*l.* who were as fully competent as men worth as many thousands to fill the office of councillor.

Mr. *Hindley* observed, that a man might be rich in pocket, and poor in powers of mind. He hoped the time would come when every man would be rated, not according to his wealth, but according to his merit.

Mr. *Grote* had come down to the House with the full intention of dividing upon this question of qualification; but after the observations he had heard, he was disposed to alter his purpose. Yet he was anxious to give the reasons which had induced him to form that purpose—viz., to show his repugnance to the principle of qualification, and to mark his sense that the extent of the concession made to the Lords was greater than the occasion required. This principle had been adopted by men whom he respected; but he must say, that the tone of this debate was calculated to have no other effect than to give the Lords a power of legislating over this House, and to make the country believe that this House would not stand by any great principle which it had endeavoured to establish. He could not see what the country had gained by the Reform Bill, which had in a great measure put an end to the system of filling the House by the nominees of the Lords, if the other House was to exercise its power in another way, by enabling minorities of the Commons to triumph over decided majorities of the Representatives of the people. However, the observations which he had heard, accompanied as they were by protests against the principle of qualification, proved to him that if he were to take a division on this question, it would practically go forth to the country, that this principle was less unpopular in that House than he was happy to find that it actually was. It was, therefore, with this view that he took this method of protesting against the principle, instead of pressing for a division. Since, however, qualification must be conceded, he was glad to see the absurd and odious list rejected; and he admitted, that hitherto the alterations in the amended Bill, effected by the Clause, had a tendency to mitigate its bad principles.

Major *Beauclerk,* as the motion was about to be withdrawn, felt bound to protest against the Clause as it at present stood. It was objectionable to the great body of the people, to the lower class of tradesmen, inasmuch as it obliged individuals to prove to the amount of their property, which, in a commercial country like this, he considered most invidious and harmful. He thought that his Majesty's Ministers had yielded too much in favour of the other House; and though he hoped that they would give satisfaction to that House, he could not help feeling that the day would soon come, when they would find that House would never go on in conformity with the other House. He protested in the strongest terms against this clause, which he was sure would spread general dissatisfaction throughout the country.

Mr. *Mark Philips* protested against a qualification altogether. If any noble Lord would only spend three years of his life amongst the middling classes, he would then be able to understand the feelings of those for whom he attempted to legislate. He believed, that at the expiration of that time his opinion, with respect to a qualification, would be entirely changed. He had seen so much in the old constituencies of heart-burnings, arising from the system of qualification under Sturges Bourne's Act, which had been called a qualification of bricks against brains— that he could never consent to any measure that contained a qualification of this nature. Though he had given this measure his most cordial support in its original state, yet as one of those who had done so, he could not allow this Clause to be introduced without expressing his deep disappointment, and without complaining of the pressure which had compelled his Majesty's Ministers to depart from their original proposition. He could not allow this vote to be taken without rising to declare that the introduction of a qualification into this measure would give great dissatisfaction, and was perfectly uncalled for.

Mr. *Harvey* said, that if that House yielded to the other, it was not their fault, but the fault of the people who had sent in the strong array of numbers and intellect which formed the Opposition in the Reformed Parliament. The people had no right to complain that concessions were made by so small a majority as that which supported the present Ministry. The majority recognised, but did not approve, the suggestions of the right hon. Member for Tamworth. Did not the other House boast that the minority here was the largest ever known in opposition to Ministers? The public, whilst expecting much, could not suppose that, circumstanced as the majority in that House were, they could do everything; nor, indeed, would it be right that they should. That House reflected the public mind; it was the mirror of opinion. Let the constituent body then understand, that if the majority of that House did not effect more, it was not that they wanted the will, but that the public withheld the power. If they could not carry this, in his estimation the greatest Bill that ever passed that House, in its integrity, the fault lay with those who had returned so large a minority. But when the Bill should pass into a law, and that corporate monopolies were broken up, they would before three years have a majority in that House, which would free them from the dictation of any other, and enable the people to assert their claims in a manner that would be resistless. This Bill would enlarge the foundation of the constituent body, and open a channel for popular opinion so wide and free, that it would bear safely upon its current all measures of useful improvement.

Mr. *Scarlett* was always of opinion, and it was now avowed by the hon. Member for Southwark, that the object of this measure was to influence elections rather than to improve corporations. Many of the supporters of this measure appeared to have an objection to a mixed form of Government. For himself, it was the form he was most attached to, and this attachment he shared with the great majority of the people.

Mr. *Robinson* objected to so high a qualification. He proposed that there should be a rating of 20*l.* in the larger, and 10*l.* in the smaller towns. He did not, however, wish to embarrass the Government by any amendment, but merely threw out that suggestion for their consideration.

Lord *John Russell* could only say, that without giving any opinion as to whether there might not be a smaller qualification, or a smaller amount of rating, notwithstanding the declaration of the right hon. Baronet opposite, that he spoke merely his own individual opinion, he (Lord J. Russell) should like to carry the Amendment with the weight of the right hon. Baronet's authority, though it might be only his individually.

Mr. *George F. Young* was of opinion that the qualification was too high, and he drew his inference from the fact that the number of registered 10*l.* voters in the borough which he had the honour to represent, was only 670, though the population was 27,000. If the Amendment were agreed to, the House would limit the number much more than they imagined.

Mr. *Roebuck* would propose that a rating of 10*l.* should be the qualification in all cases, and he would take the sense of the House upon it.

Dr. *Bowring* instanced the case of Blackburn, which, with a population of 37,000 inhabitants, had only 700 registered voters.

Mr. *Hume* understood that there was no hope of the Bill passing the House of Lords without a Qualification Clause. If, therefore, they were obliged to knock under—if they were obliged to yield the principle, and destroy the essence of the Bill, the question was, whether they should place the large boroughs in a situation where there would be no choice at all. If they restricted it so much, they would take away all popular choice. He put it to the noble Lord, seeing the anxiety of the House to meet the difficulties of the case, whether a 10*l.* qualification, such as entitled persons to vote for Members of Parliament, was not a fair and liberal proposition? And he would ask the right hon. Baronet whether it would not be unpleasant to draw a distinction between the great and small towns, when no distinction was made in the right of voting for Members of Parliament? He hoped the proposition of the hon. Member for Bath would be acceded to.

Lord *John Russell* was of opinion that there was only one of two courses to be adopted. The first was to adhere to the excellent original principle laid down in the Bill and have no qualification at all. The second was to take such a qualification as might be acceptable elsewhere. He (Lord John Russell) was not prepared to remove all qualification, and therefore he must adhere to the original Amendment.

Mr. *Hawes* objected to the hon. Member for Bath's Amendment. Having swallowed a camel, having consented to a qualification, he was now straining at a gnat. Although he (Mr. Hawes) disapproved of any qualification, he would vote for the noble Lord's, as it was the only one likely to be acceptable to the other House, and as he was anxious that the Bill, which was valuable in other respects, should be carried.

Sir *Robert Peel* said, that hon. Members seemed to think that he had proposed his Amendment with a view of restricting the constituency, when in fact his proposition of taking the rate as the qualification would enlarge it. He did not consider his proposition very unreasonable. Hon. Members argued as if the House had been unanimous upon the subject. Now, when the Bill was formerly before the House, he moved as an amendment that the qualification should be 40*l.* and 20*l.*, and upon that occasion he divided the House, when the numbers for his amendment were 204, the number against it being 262. Yet, notwithstanding that, he voluntarily came forward, and proposed that it should be reduced to 20*l.* and 15*l.* He thought that a moderate proposition; considering that he had so large a minority as 204. As to the rating in provincial towns, he apprehended that it was higher than was generally supposed. He had called for returns from the Portsea district, and he found that both there and in Portsmouth it was very large. He saw no evil which could result from the adoption of his proposition. Besides, as they had adopted the principle of qualification, it was desirable, as the noble Lord opposite had stated, that they should also adopt such a scale of qualification as was likely to be adopted by the other House.

Mr. *Harvey* considered this rate qualification as one of those incidental and gratuitous acts of kindness in which right hon. Gentlemen abounded. It was possible that an insolvent might be rated 15*l.* or even 30*l.*, and therefore this qualification might let in the very class of persons it was desirable to keep out. He would much rather forego the rate qualification than adopt one so large as that proposed, and retain the money qualification only. It was said, however, that if this was not acceded to, the Bill would be hazarded. Not considering it as a final measure, and looking forward to future legislation, he did not wish to hazard the Bill; for it was in politics, as well as in morals and nature, it could not be foretold what a day or an hour would bring forth. They could not always keep up the excitement of the people, or, as the phrase was, they could not always keep the steam up. It would, indeed, be a great national evil to lose the Bill, for, at the present rate of legislation, they could but get through one Bill in a Session. One Bill, the Irish Church Reform Bill, had been lost, and another was in danger. And, at all events, he would rather forego the question of qualification. He was, therefore, not prepared to vote for the Motion of the hon. Member for Bath, because it not only endangered the Bill during the present Session, but risked the loss of it altogether. As to the notion of the Amendment of the right hon. Baronet enlarging the constituency, there was in fact nothing in it; for there were scarcely any provincial towns in which houses were rated at 30*l.* or 15*l.*

The House divided on Mr. Roebuck's Amendment: Ayes 37; Noes 271; Majority 234.

List of the AYES.

Aglionby, H. A.
Attwood, T.
Blake, M. J.
Bowring, Dr.
Beauclerk, Major
Brabazon, Sir W.
Brady, D. C.
Buckingham, J. S.
Bulwer, H. L.
Byng, Hon. G.
Conyngham, Lord A.
Crawford, W.
Dundas, J. C.
Elphinstone, H.
Ewart, W.
Fielden, J.
Grote, G.
Hector, J. C.
Marsland, H.
Mullins, F. W.
O'Connell, D.
O'Connell, M.
Palmer, General
Phillips, M.
Rippon, C.
Thomson, C. P.
Tooke, W.
Tulk, C. A.
Vivian, E.
Wakley, T.
Walker, C. A.
Wallace, R.
Warburton, H.
Williams, W.

TELLERS.

Roebuck, J. A.
Hindley, C.

PAIRED OFF.

Macnamara, Major — Cole, Arthur

On Clause 47,

The *Attorney General* said, that this Clause imposed a hardship upon those who were chosen to be councillors; inasmuch as, in the event of their not having a qualification, it threw upon them the burden of proving that they did not possess a qualification. He proposed that the words should be inserted "at the time of making such declaration" which would throw the *onus probandi* upon the complaining party.

Mr. *Law* could not consent to any Amendment, the effect of which might be, that although a person had a qualification when he took office, he might not have it during the whole period of his holding office.

Mr. *Jervis* said, that the object was to provide that every one taking office should have a *bonâ fide* qualification. He thought that the qualification ought to be confined to the time when the party accepted office. It would be extremely hard if a party were liable to be called upon at any moment to prove his qualification.

Mr. Sergeant *Goulburn* agreed with his hon. and learned Friend the Recorder of London, in thinking that the qualification should constantly subsist.

Major *Beauclerk* did not agree with the hon. Member. He was afraid that the doctrine would apply very unfortunately to some of the Members of that House.

Mr. *Harvey* begged the House to consider that though it was sufficiently easy to ascertain whether a person had a qualification when the qualification depended upon real property, yet it was very difficult in the case of shopkeepers and tradesmen, whose qualification alone would be questioned under this Clause. Their property depended on the debts owing to them, and their solvency depended upon the solvency of others. A man might be worth many thousands, in his own opinion, and yet, when his debts were called in and enforced, he might not be worth five shillings in the pound.

Mr. *George F. Young* reminded the House that they had rejected the proposition of a Property-tax, on the ground of its being invidious and inquisitorial, and yet this would lead to inquiries more odious and more inquisitorial than the property-tax.

The House divided. On the Amendment, Ayes 167; Noes 53; Majority 114.

List of the Ayes.

Adam, Admiral
Aglionby, H. A.
Angerstein, J.
Anson, Sir G.
Bagshaw, J.
Burton, H.
Baring, F.
Barry, G. S.
Barron, H. W.
Barnard, E. G.
Beauclerk, Major
Bernal, R.
Bewes, T.
Bellew, Sir P.
Berkeley, Captain
Blamire, W.
Blake, M. J.
Blackburn, J.
Blunt, Sir C.
Bowring, Dr.
Brady, D. C.
Brabazon, Sir W.
Bridgman, H.
Brocklehurst, I.
Browne, D.
Brodie, W. B.
Brotherton, J.
Buckingham, J.
Buller, G.
Burdon, W.
Buxton, F.
Butler, Colonel
Byng, Captain
Byng, G.
Callaghan, D.
Campbell, Sir J.
Carter, B.
Chalmers, P.
Clements, Viscount
Clive, E. B.
Clayton, Sir R.
Clay, W.
Cockerell, Sir C.
Collier, J.
Codrington, Sir E.
Crawford, W.
Crawford, S.
Conyngham, Lord A.
Curteis, H. B.
D'Eyncourt, C. T.
Denison, J.
Divett, R.
Duncombe, T. S.
Dundas, J. C.
Dunlop, C.
Ebrington, Lord
Elphinstone, H.
Etwell, R.
Evans, G.
Ewart, W.
Fergusson, C.
Ferguson, Sir R.
Ferguson, Sir R. A.
Fitzsimon, N.
Fleetwood, H.
Gaskell, D.
Grattan, H.
Grote, G.
Guest, J.
Harland, W.
Hawes, B.
Harvey, D. W.
Hawkins, J. W.
Heathcote, R. E.
Hobhouse, Sir J. C.
Howick, Lord
Hoskins, K.
Hodges, T. L.
Howard, P. H.
Hutt, W.
Hurst, R. H.
Humphery, J.
Jervis, J.
Kemp, T. R.
Leader, J. T.
Lennard, T. B.
Lennox, Lord G.
Loch, W.
Lynch, A. H.
Maule, Hon. F.
M'Leod, R.
Maher, J.
Mangles, J.
Marshall, W.
Marsland, H.
Methuen, P.
Mostyn, E.
Mullins, F. W.
Musgrave, Sir R.
O'Connell, D.
O'Connell, J.
O'Connell M.
O'Connell, M. J.
O'Ferrall, R. M.
O'Loughlen, M.
Ord, W. H.
Oswald, J.
Palmerston, Lord
Parnell, Sir H.
Parker, J.
Parrott, J.
Pechell, Capt. R.
Pendarves, E. W. W.
Pepys, Sir C.
Philips, G. R.
Phillips, C. M.
Philips, Mark
Pinney, W.
Power, R.
Potter, R.
Poulter, J.
Price, Sir Robert
Pryse, Pryse
Ramsbottom, J.
Robinson, G.
Roche, D.
Rolfe, Sir R. M.
Ronayne, D.
Russell, Lord J.
Russell, Lord C.
Russell, Lord
Scholefield, J.
Scrope, G. P.
Seale, Colonel
Sheldon, C.
Simeon, Sir R.
Smith, V.
Steuart, R.
Strickland, Sir G.
Strutt, E.
Sullivan, R.
Surrey, Lord
Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Thorneley, R. G.
Tooke, W.
Townley, R. G.
Troubridge, Sir T.
Turner, W.
Tynte, C.
Villiers, C.
Wakley, T.
Walker, C. A.
Warburton, H.
Wall, C. B.
Wilbraham, G.
Whalley, Sir S.
Wilkes, J.
Williams, W. A.
Williams, W.
Wilson, H.
Wilde, Sergeant
Wood, C.
Wood, Alderman
Wrightson, J.
Wrottesley, Sir J.
Young, G. F.

TELLERS.

Ward, H. G.
Baines, E.

List of the NOES.

Alsager, Captain
Arbuthnot, Hon. H.
Ashley, Lord
Brownrigg, J. S.
Bruen, Colonel H.
Borthwick, P.
Barneby, J.
Bonham, F. R.
Baring, T.
Bentinck, Lord G.
Cartwright, W. L.
Dowdeswell, W.
Damer, G. D.
Davenport, E. D.
Elwes, J.
Eaton, R. J.
Fleming, J. W.
Gaskell, J. Milnes
Goulburn, Rt. Hon H.
Gordon, Hon. Captain
Grimstone, Lord
Halford, H.
Hawkes, T.
Herries, Rt. Hon. J.
Jackson, J. D.
Jones, Captain
Law, E.
Longfield, R.
Lewes, W.
Lowther, J. H.
Manners, Lord C.
Neeld, J.
Nichol, J.
Peel, Sir R.
Palmer, R.
Praed, W. M.
Price, G.
Pemberton, T.
Ross, C.
Russell, C.
Reid, Sir J. R.
Somerset, Lord G.
Sheppard, T.
Stormont, Lord
Sandon, Lord
Sibthorpe, Colonel
Trench, Colonel
Vere, Sir C. B.
Wortley, Hon. J.
Worcester, Lord
Wilbraham, B.
Wyndham, W.
Walter, J.
Wynn, C. W. W.

TELLERS.

Freshfield, J. W.
Goulburn, E.

Mr. *Williams Wynn* then said, that the Amendment which had been just agreed to, and which threw the *onus probandi* on the objector, was in fact to get rid of the qualification by a side-wind.

Lord *John Russell* said, that the right hon. Gentleman was not justified in saying that it was meant to get rid of the qualification by a side-wind. Since he came into the House, the Amendment had been suggested by his hon. Friend, the Member for Portsmouth, and having been acceded to by his hon. and learned Friend, the Attorney-General, he did not hesitate to adopt it. From these circumstances it would be evident that he had not had much time to consider the effect of the words; but he protested against its being said that any thing like getting rid of the qualification by a side-wind, or their acting in bad faith, was intended.

Mr. *Williams Wynn* had not meant to impute bad faith to the noble Lord. All he meant to say was, that this Amendment was not a *bonâ fide* acquiescence in the Amendment of the other House.

Mr. *Law* would just suggest to the noble Lord, that the Amendment which had just been carried might prove fatal to the Bill in another place. He understood that the noble Lord had acquiesced in the principle of qualification. If that were the case, let them then make the qualification effective. Or, if they did not mean to meet the wishes of the other House, let them not make a shew of doing so, but throw the Bill out at once. He warned the House of the danger of adopting an Amendment, which was in fact directly in fraud of the principle of qualification, and which would wholly defeat the operation of that Clause. As a means of preventing persons holding these offices from evading the qualification, he would propose that the words "during the continuance in office" be added.

Lord *John Russell* certainly wished the qualification to be *bona fide*; and would propose words which he thought would meet the difficulty. He then proposed words to the effect, that after the person should cease to be qualified he should be liable to the penalty if he retained office.

Mr. Sergeant *Wilde* would ask, if a respectable man, having suffered a serious loss in business, was to publish it to the world that he was no longer solvent? He thought this would be a very injurious Clause.

Mr. *Warburton* thought that no man would consent to serve as a councillor, if it subjected his estate and pecuniary circumstances to public inquiry.

Sir *Robert Peel* considered that they had sent up the Bill to the Lords with a qualification of a continuous nature; it was now proposed to add a pecuniary qualification, subject to the same rules; but the effect of that proposition would be to destroy the continuous qualification.

The *Chancellor of the Exchequer* said, that having once affirmed the principle of a qualification, they were bound to give it effect fairly and honestly. The case, he admitted, was one of considerable difficulty.

Mr. *Jervis* was quite sure that both parties were most willing to bring the whole case fairly and fully under discussion. He considered the proposed Amendment as most vexatious, for no man could qualify under it, unless he was ready at any moment to declare that he was worth 1,000*l.*; he would then not only be struck off the roll of councillors, but his credit would also have been ruined.

Mr. *Warde* considered that both parties might be conciliated if certain periods were fixed for inquiry into the qualification of these councillors by Act of Parliament.

Lord *John Russell* said, he considered the

Question as one of very great importance and difficulty, and he would propose that it be postponed.

Mr. *Harvey* remarked upon a case unprovided for in the Bill—that of a corporator who was qualified when he took his office, but became disqualified within the year by a reverse of fortune; as the Clause now stood such a man was liable to penalties, and had no means of escape, as he could not disrobe himself of his office.

The farther consideration of the Amendment, was postponed.

Lord *John Russell* said, that in Clause 52 the Lords had decided that Town Clerks should hold their office "during good behaviour:" he did not mean to restore the Bill in this respect to its original state, but to agree to part of the Amendment with the substitution of the words "during pleasure" for "during good behaviour." [Mr. *Roebuck:* during whose pleasure?] During the pleasure of the Town Council of every borough.

Colonel *Sibthorp* objected to the proposal, and instanced the city he represented, the Town-Clerk of which was opposed to him in politics; nevertheless he did not wish him to be removed, because he believed him to be a competent and useful officer. The words "during pleasure," rendered the Town Clerk subject to removal merely at the will of the Town-Council, and they would hang as a rod over his head.

Mr. *Scarlett* maintained that this Amendment by the noble Lord proved, if any fresh proof were wanted, that the measure was not intended to reform abuses in Corporations but for political purposes, so that a Radical Town Council might have the power of appointing a Radical Town Clerk. He asserted that the present Town Clerks were honest and efficient servants, who ought not to be removed.

Amendment agreed to.

Lord *John Russell* proposed a change in Clause 59, providing that officers of the Corporation should not hold their appointments during life, but during good behaviour.

Sir *Robert Peel* observed, that justice seemed to require that every officer should be protected by the Bill, according to the tenure of his situation. He would not have given Town-Clerks their appointments for life, but where it was found that they so held them he would have protected them to that extent. In this respect he would have adopted the principle of the Scotch Municipal Reform which was likewise observed as to patent places, and offices held during good behaviour. Where Town-clerks of boroughs in Schedules A and B, held during pleasure, so they ought to continue, but where they held for life, it was but fair that their tenure should not be disturbed.

Mr. *Roebuck* could not admit that the House ought to recognise any such right, and contended that no office of the kind was property, and ought not to be dealt with as property. Powers were conferred for the benefit of the community, and not for the advantage of the individual. Every Town-Clerk had been well paid while he had held his situation, and he saw no reason for granting him compensation merely because he had indulged unreasonable expectations.

Sir *Robert Peel* had never said that a Town-Clerk's office was analogous to property, nor had he proposed the grant of compensation: that was a clause in the Bill when it was sent to the House of Lords, he and the hon Member apparently wished for the same thing—viz., that the corporate officers should hold their places upon their present tenures, and they both seemed to think it exceedingly hard that the Council should be called upon to grant compensation.

Lord *Howick* thought it better for all parties that the Town-Council should have the option either to continue a man in office or to allow compensation. Whenever an officer was unexceptionable, and sufficiently discharged his duties, it would be desirable that he should be continued, but the Town-Council ought to have, by power of dismissal, that due control which all Governments possessed over persons in subordinate situations. The right hon. Baronet had admitted last night that the rule ought to be the same as on a change of Ministers, where, although the principal persons went out, the Clerks remained in their places. Ministers on coming into office had the power, under a certain responsibility, to dismiss any of the inferior servants in the different departments, such as the permanent Under Secretaries, Clerks, &c. These all held their appointments strictly during pleasure, but practically it was during good behaviour. The Town-Council of a borough would act under a similar responsibility, but it ought to possess a similar power, and the constituency would always require to know why a particular officer had been dismissed. As to the Town-Clerk, no arrangement could be satisfactory unless he were made dependent upon the Town-Council, and the power of resorting to the Court of

King's Bench on any occasion where he misconducted himself would not be sufficient. For these reasons he concurred in the change proposed by his noble Friend.

Mr. *George F. Young* agreed with the noble Lord who had just spoken. The amendment proposed was a middle course that exactly met the justice of the case.

Colonel *Leith Hay* alluded to the reference made by the right hon. Baronet to the case of the Town-Clerks of Scotch burghs, and denied that the system had worked well there. Hereafter it would be found necessary to put the Town-Clerks in Scotland on a different footing, in order that they might act more in accordance with the main body of the Corporation.

The *Chancellor of the Exchequer* said that the amendment of his noble Friend would remedy the inconveniences of the arrangement adopted by the Lords, and ought to be adopted both on the principles laid down by the right hon. Baronet opposite and on those laid down by the House of Lords itself. No alteration could be suggested more fatal to the peace of towns, or more prejudicial to the interest of the community in general, than that which had been passed by that House; it would interfere indeed more than anything else with the good working of the Bill.

Amendment agreed to.

Clause M. (after Clause 63), which had been inserted by the Lords to provide that Members of the Church only should appoint to vacant benefices, &c., in the gift of Corporations, was then taken into consideration.

Lord *John Russell* observed that this was entirely a new Clause, and one to which, as he observed last night, he could not give his assent. He was not unwilling to agree to a proposition which might be framed for giving every possible security to the Church in the exercise of the patronage in question, but he was not disposed to agree to any proposition by which the Council would be divided into two parts, one being composed of members of the Church of England, and the other of Dissenters. At the time of the repeal of the Test and Corporation Acts, no security was required from Dissenters on being admitted into Corporations, except that contained in a declaration to be taken alike by Churchmen and Dissenters. He would repeat that he was ready to accede to any proposition by which security to the Church could be further obtained in this respect; and that he was not prepared to contend, as an abstract principle, that those who dissented from the Church were therefore the persons in whose hands ought to be placed the appointment to Church benefices in any portion of the patronage of the Church; but he regarded it as a very different matter from taking a course of that kind, to establish the principle that the governing Council of the Municipal bodies should be divided into two parts, separated from each other by a line of jealousy. On this ground he could not do otherwise, in the present state of the question, there being no other proposal on the subject before the House, than move that they disagree to the Lords' Amendment, leaving to those that are of opinion that the repeal of the Test and Corporation Acts and the original provisions of the present Bill left the question too open, to suggest any other arrangement which they might deem fit, in order to provide some additional security for the Church.

Mr. *Goulburn* thought Municipal Corporations were not fit depositories for Church patronage. If the amendment which had been introduced by the House of Lords were omitted, a power of exercising Church patronage would be placed in the hands of Dissenters, who had never enjoyed it before. Against the principle of such an arrangement he for one could not refrain from raising his voice.

The *Chancellor of the Exchequer* said that he was willing to make any concessions with respect to the clauses of the Bill, which were consistent with reason or common sense; but this amendment contained a principle which was abhorrent to his sense of justice and toleration. It was one which he could never agree to. But even supposing for the sake of argument that such a principle might be adopted, it must be utterly impracticable and worthless, and could not be carried into execution without the imposition of a religious test, the revival of which would be received with horror and disgust, and would never be submitted to. He quite agreed in the declaration made by the right hon. Gentleman who spoke last, who stated that corporate bodies were not the best depositories of such a right as that exercised with respect to Church preferment. Though he was disposed to yield on other points of the Bill, yet the principle involved in the amendment of the Lords on this part of the Bill was one which he felt bound to resist. He therefore took that opportunity of giving notice, that if this Clause were omitted, he should, at a more advanced stage of the Bill, propose a Clause directing Corporations to sell the Church property over which they exercised control, and apply the proceeds to the common uses of the towns.

Mr. *Twiss* thought the suggestion of the right hon. Gentleman a proper one; and he believed that its adoption would prevent any dissensions which might arise between Dissenters and Members of the Established Church, with regard to the exercise of the right of presentation.

Mr. *Wilks* was not disposed to offer any opposition to the suggestion of the right hon. Gentleman. It would, in his opinion, if complied with, tend to prevent collision between Churchmen and Dissenters.

The *Attorney-General* thought that all the difficulties which surrounded this question might be overcome by consenting to the suggestion of his right hon. Friend, the Chancellor of the Exchequer. The power over Church property which it was proposed to confer on the Council as a body, without regard to the religious opinions of its members, was exercised in Scotland both by individual Dissenters and by Councils, some of the Members of which were Dissenters, with the best possible results. He thought, however, that Municipal Corporations ought to have nothing to do with Church patronage. They were never instituted for any such purpose, but were established with a view of managing only the local affairs of the towns, such as lighting, paving, cleansing, &c. To this object they should be confined, and the sooner their right of Church patronage was abolished the better.

Sir *F. Pollock* heartily concurred in the suggestion of the right hon. Gentleman, the Chancellor of the Exchequer.

Mr. *Charles Barclay* thought that such an arrangement as that proposed, would be acceptable to all parties.

Mr. *Poulter* was of opinion that these Church preferments enjoyed by the Corporations should be purchased by the Crown.

Lord *John Russell* said, that as the proposition of his right hon. Friend appeared to give general satisfaction, he did not think it necessary to enter into any discussion on the principles of this Clause, as amended by the House of Lords. It appeared to him, from the manner in which that proposition was received by both sides of the House, that it would relieve the question from all the difficulties by which it was embarrassed. With respect to the suggestion of the hon. Member for Shaftesbury, that the property in these livings should be bought by the Crown, he really thought it much better not to encumber the present question with the objections to which such a proposition might be held liable. He hoped his right hon. Friend would frame the Clause which he intended to submit for adoption in such a manner as to meet with general concurrence.

Dr. *Bowring* observed that the Clause, as it stood amended by the Lords, cast the greatest opprobrium on the Dissenters. He hoped the Government would not consent to add to their difficulties by adopting, inconsiderately, the proposition of his hon. Friend near him (Mr. Poulter). As for the Church patronage being exercised by Dissenters he, for one, would assure the House that they would gladly wash their hands of it; yet at the same time it should not be forgotten that Dissenters must have an interest in an Establishment to the support of which they so largely contributed.

Sir *Robert Peel* wished that the advice as to conciliation had been sooner followed; for motives were attributed in the strongest terms to the House of Lords, for the Amendments which they had made, which were not, he was persuaded, justifiable. Even the hon. Gentleman who spoke last said, that the Amendments of the House of Lords cast an opprobrium on the Dissenters. Now he must declare, that he did not believe the House of Lords had the slightest intention of fixing or implying any opprobrium on the Dissenting body, by the introduction of the Amendment which they had made. He, for one, would never consent to take any part, either directly or indirectly, which would frustrate the effects of that political and religious equality which had been established by the Repeal of the Test and Corporation Acts; but he must say, that the Clause which prevented the members of one spiritual creed from appointing the ministers of another, did not, in his opinion, interfere in any way with the beneficial consequences of the abolition of such laws as the Test and Corporation Acts. If by Act of Parliament, the nomination of Unitarian or other Dissenting ministers were placed in the hands of members of the Church of England, such a legislative provision would be reprobated by all parties. It was no answer to that position to say that the parties who in such cases would be selected would in all probability be well qualified and proper persons. He was, at the same time, ready to admit, that the existing law did give Dissenters, who were members of the corporations, the right of taking a part in the appointment to the livings which were in the gift of those corporations. It was, however, clearly the principle of our law, before the passing of the Test and Corporation Acts, that the members of corporations should be members of the Church of England, although an annual bill of indemnity was agreed to for the purpose of relieving those who violated that law from being subjected to its penalties. In many cases in which there were numerous livings in the gift of corporations—such, for instance, as Bristol and Norwich, it was clear that the majority of the members of such corporations might be Unitarians or other Dissenters, and that the whole right of presentation would be vested in them. Now, he never could be persuaded that an arrangement by which such a state of things could be produced, would be satisfactory either to the possessors of the patronage themselves, or to the members of the Church of England who were more immediately affected by it. In limiting the right of presentation, therefore, to those members of the new corporations who were also members of the Church of England, he was convinced that the House of Lords had not intended any disrespect to Dissenters, and had not manifested the intolerant spirit which had been imputed to them. It should be remembered that there was a wide distinction between a civil trust and a spiritual trust. He could never admit that the House of Lords, in what they had done on this subject, had justly subjected themselves to the odium which was attempted to be cast upon them of wishing to affect the great principle which had been established by law of a perfect equality of civil rights. With regard to the proposition which had been made by the right hon. the Chancellor of the Exchequer, it was one of very great importance; and he thought that it would be more satisfactory to all parties if the discussion on the Clause under consideration were postponed until they saw the mode in which the right hon. Gentleman meant to develope that proposition. At the same time, it was exceedingly desirable that the whole subject—the Clause in the Bill which it was proposed to omit, and the provision which it was proposed to introduce—should be taken into consideration at the same time; and he, therefore, thought that it was not advisable to dispose of the Clause to-night, and to take the right hon. Gentleman's proposition into consideration to-morrow. He confessed, too, that on a matter of such importance, introduced for the first time to the House, although he was not in a condition to state that he entertained any serious objections to it, he was still desirous of reserving to himself the power of deliberation, before he yielded to it his assent. He certainly was not prepared at the moment to give to the proposition the unqualified approbation which had been given to it by his hon. and learned Friend. In the first place, he should have been glad if it could be found practicable to avoid an absolute compulsion by law on the corporations to dispose of their Church patronage. It might be, that in many cases they were by far the fittest persons to exercise it. He would rather wish to avoid compelling, by law, either corporations or individuals to sell property of that description. Whether, however, the right hon. Gentleman's proposition would be preferable to leaving the nomination to livings in the hands of Dissenters, was a question on which he was not prepared at once to decide. Some of the corporations possessed very extensive Church patronage. The Corporations of Bristol and Norwich, to which he had before alluded, had, he believed, no fewer than twenty-two livings in their gift. At so short a notice, he did not think the House ought to be called upon to deal with so considerable a property without due consideration. Many points must be considered. Within what time were the Corporations expected to dispose of this property? If the Legislature recognised it as the property of the Corporations, they certainly ought not to compel the proprietors to dispose of it under circumstances which would not allow them to realize its value. The suggestion of the hon. Member for Shaftesbury, that the property in question might be purchased by the Crown, and the nomination placed in the hands of the Bishops, would, perhaps, be a better mode of dealing with the subject; but, at the same time, he readily admitted that it would not be wise to encumber the Bill at present with such a proposition. He hoped, however, that his Majesty's Government would not preclude themselves from considering the suggestion at a future opportunity. He trusted that the noble Lord would postpone the further proceeding with the Clause in question until time had been afforded to take into consideration the proposition of the right hon. Gentleman. He had been too much in public life not to know the value of four-and-twenty hours in deliberating on any great public subject.

Lord *John Russell* said, that if there was a general wish on the part of honourable Members to postpone the further proceeding on the Clause in the Bill, until it could be considered in conjunction with his right hon. Friend's proposition, he was ready to postpone it until to-morrow.

Clause postponed.

On the 96th Clause, in which the House of Lords had omitted the provision that the Councils of the different boroughs should, from time to time, name so many fit persons as to them might seem expedient, for the purpose of being qualified to receive his Majesty's commission to act as justices of the peace,

Lord *John Russell* moved the re-insertion of the words omitted by the House of Lords.

Sir *William Follett* had a great objection to the original Clause, and he should, therefore, oppose the noble Lord's proposition. It was the first time since the settlement of the Constitution that an attempt had been made to affect the power of the Crown in regard to appointments to the magistracy. Under the original Clause the Crown had only the power of appointing at the recommendation of the council. Could any one deny that that was a limitation of the prerogative? Suppose the Crown should reject the persons recommended by the council, was the borough to be without magistrates, or was there to be a perpetual and unseemly collision between the council and the Crown? That was no imaginary case; for a similar one existed in the city of London at this moment. The wards had a power of electing their aldermen, and the Court of Aldermen had a power of rejecting any person so elected if they chose. They had done it in many instances; and even at that moment it was a question of law how far the aldermen had a power of filling up vacancies in their own body. He also objected to the original Clause because the magistrates were virtually created by popular election. The council was popularly elected, and their election of magistrates would naturally partake of the same character. He thought it highly objectionable that the magistrates should be mixed up with party feeling or local politics, and was convinced the administration of the law would be better consulted if the nomination of the magistrates were left to the Crown. If it were the case, it would be the only one in which the power of the Crown in appointments to the magistracy was curtailed. He hoped the noble Lord, therefore, would not press his proposition.

Mr. *Charles Buller* said, that whilst this appointment of justices rested with the Tory Corporations, who appointed without the intervention of the Crown, no one even on the Opposition side of the House ever considered the Crown was illtreated; but the moment it was proposed to give the right of choosing their magistracy to the people, then a new-fangled loyalty sprung up in the breast of Tory politicians, and they felt it consistent and convenient to inveigh against the charge as an infringement of the Royal prerogative, though the Crown was still required to approve of the nomination.

Mr. *Goulburn* said, that the result of passing the Clause in the shape in which it had been sent up by that House to the House of Lords would be, either that there would be no Magistrates at all in a Borough, or that all the Magistrates would be of one political feeling.

The *Chancellor of the Exchequer* said, it was not fair to state that the Clause, as it originally stood, introduced the principle of popular election into the nomination of Magistrates. Strong supporter as he was of popular rights, he would not consent to any proposition that would make the situation of Magistrate a matter of popular canvass. But it was not a subject of popular election. If the argument of the hon. and learned Gentleman were good, as applicable to the proposed Corporations, it was equally applicable to the existing Corporations. He looked at the matter practically. In many of the borough towns at the present time, the Magistrates were not only elected by the Corporations, but elected annually. If, therefore, the objection was to the appointment of Magistrates of one predominant opinion, that objection applied to the existing law, and not to the present Bill: He saw at present, in many of the borough towns, Magistrates not only elected, but annually elected. If, therefore, there were an objection to gentlemen so elected administering the law, he said it was an objection which applied to the present system, and not to the Bill under their consideration. The Bill did not assume a new principle or a new prerogative, but it placed the old principle and the old prerogative on better and purer grounds than existed under the present law. By way of comparison he might ask what was the custom in counties? In counties the Lord-lieutenant, a responsible officer, recommended to the Crown the persons whom, from his local experience, he considered to be best qualified to act as Magistrates, and almost without exception the recommendation of the Lord-lieutenant was deemed sufficient to warrant the appointment. Now what was the course proposed to be taken with respect to the appointment of Magistrates in cities and boroughs? Hitherto the Crown had had no power of appointment in corporate towns, and it was of course impossible that it should in every instance have a sufficient knowledge of local circumstances and local characters to enable it to make the most proper appointments. To remedy this defect, as there was no Lieutenant or responsible person from whom the recommendation could come, it was proposed to give the right of recommendation to the representative body. No one would suspect for a moment that the representative body would abuse the trust thus confided to them. The proposition of his noble Friend (Russell) was not to limit the authority of the Crown, but to supply it with a responsible adviser.

Sir *Robert Peel* thought, that the alteration made by the Lords in this part of the Bill was a very great improvement, and he should cordially support the proposition of his learned Friend (Sir W. Follett) for retaining that alteration. He thought the Amendment of the Lords drew the proper distinction between political and judicial functions. He thought that the Lords in making that Amendment had acted upon the principle recommended by the Bill itself, which did not leave the Recorder, or any other judicial officer, of any corporate city or town to be popularly elected, but enabled the Crown to appoint, arbitrarily and at once, without reference to the Town-council, or to the constituency of the Town-council. It was hard that they could not discuss these subjects without having motives imputed to them. The hon. Member for Liskeard was not justified in attributing to them interested motives, a new-fangled loyalty, or in fact anything but a desire to improve the measures which were brought before them for their consideration. If the hon. Gentleman's principle were correct, why did he not allow the Council to appoint the Recorder, and other judicial functionaries; and if he were so satisfied that the people would always make a proper choice of Magistrates, why did he not allow the people, who elected the Council, to appoint the Magistrates? Why did he leave any intermediate body at all? The right hon. Gentleman, the Chancellor of the Exchequer, had said he was sure no one could breathe a suspicion against the justice and discretion of the new corporate bodies as regarded the recommendation of fit and proper persons to sit as Magistrates. Surely that observation came strangely from one who said that the new corporate bodies were not to be trusted with the distribution of Church patronage. Under all the circumstances, he regretted that the noble Lord (Lord J. Russell) should seek to interfere with what he conceived to be the very judicious and very proper Amendment of the Lords.

Mr. *Charles Buller*, in explanation, begged to say that he had attributed no motive to any one; all that he had contended against was, the deep-seated prejudice of some of the Gentlemen opposite.

Mr. *Strutt* contended, that there was no analogy between the appointment of a Recorder and the appointment of local Magistrates. The Recorder was necessarily chosen from the members of the legal profession, and the Crown had always about it persons possessing an intimate knowledge of the whole Bar, and consequently fully capable of making the best and most judicious recommendation of the party most fit to act as Recorder. The case was quite different with respect to the appointment of Borough Magistrates. The Crown had about it no person who possessed a sufficient local knowledge of every borough town to know who of its inhabitants were best qualified to act as Magistrates. Hence the proposition for vesting the power of recommendation in the Town-council. The question was, whether the Crown should have some responsible adviser to direct its choice, or whether it should derive its information from some secret and party channel. He contended that the original proposition as agreed to by the Commons, and as now proposed to be restored, instead of restricting, in fact extended the power and prerogative of the Crown, because it would give the Crown the power which it had never before under any circumstances possessed, of appointing Magistrates in cities and boroughs.

The *Attorney-General* highly approved of the proposition of his noble Friend. It was but just that the Town-council should be permitted to submit those whom they considered to be eligible to the approbation of the Crown; for it should be observed that before any one of these persons so named could be admitted to the office, he must be approved by the Crown. It was contended that by the Bill the appointment would be practically in the Town-council, because the Council recommended the persons to be appointed. He could not perceive that this was a necessary consequence. The Crown could not be supposed to have any local knowledge as to the fitness or unfitness of the parties; they must be recommended or pointed out by some one, if not by the Council, and it would be just as fair to say that in the former case these Magistrates were in fact appointed not by the Crown, but by that individual who had, on being consulted, pointed out the individuals most fit to fill the situation. He altogether differed with his hon. and learned Friend as to the inference he attempted to draw from the Town-council being permitted to select in the first instance, the persons most eligible for these situations—for, so far from thinking that the prerogative of the Crown would be infringed thereby, he saw reason to be convinced that the restoration of the Clause to its original state would have the directly contrary effect, and tend to increase the prerogative of the Crown; and for this express reason, that the Crown would hereafter be sure to appoint the Magistrates in the new Corporations upon the recommendation of the Council; whilst it was perfectly notorious that at present, in close Corporations, both the situation and appointment were made by the Corporation itself.

The House divided on Lord John Russell's Motion: Ayes 164; Noes 69: Majority 95.

List of the Ayes.

Adam, Admiral
Aglionby, H. A.
Angerstein, J.
Anson, Sir G.
Astley, Sir J.
Attwood, T.
Baines, E.
Baldwin, Dr.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Bellew, Sir P.
Berkeley, Hon. P.
Bernal, R.
Bewes, T.
Bish, T.
Blake, M. J.
Blamire, W.
Blount, Sir C.
Bowring, Dr.
Brabazon, Sir W.
Brady, D. C.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buckingham, J. S.
Buller, C.
Burdon, W. W.
Butler, Col.
Buxton, T. F.
Byng, G.
Byng, Hon. Col.
Campbell, Sir J.
Carter, J. B.
Chalmers, P.
Clay, W.
Clayton, Sir W.
Codrington, Sir E.
Collier, J.
Cooper, E. J.
Crawford, W. S.
Curteis, H.
D'Eyncourt, C. T.
Denison, J. C.
Divett, E.
Donkin, Sir R.
Duncombe, T. S.
Dundas, J. C.
Dunlop, J.
Dykes, F. L.
Ebrington, Lord
Elphinstone, H.
Etwall, R.
Evans, G.
Ewart, W.
Fellowes, Hon. N.
Fergusson, Rt. Hon. C.
Fielden, J.
Fitzsimon, N.
French, F.
Gaskell, D.
Grattan, H.
Grey, Sir George
Guest, J. J.
Handley, H.
Harcourt, G.
Hawes, B.
Hawkins, J. H.
Hay, Colonel L.
Heathcote, R. C.
Hobhouse, Rt. Hn. J. C.
Hodges, T. L.
Howard, R.
Howick, Lord
Hume, J.
Hutt, W.
Jephson, C. D.
Jervis, J.
Kerry, Lord
Labouchere, H.
Leader, J. T.
Lefevre, C. S.
Lennard, T. B.
Lister, C. N.
Locke, W.
Lushington, C.
Lushington, Dr.
Lynch, A.
Macleod, R.
Macnamara, W. W.
Maher, J.
Marshall, W.
Marsland, H.
Maule, Hon. C. F.
Moreton, Hon. A.
Morrison, J.
Mostyn, E. L.
Mullins, F. W.
Nagle, Sir R.
North, F.
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Loghlen, M.
Ord, W.
Ord, W. H.
Oswald, J.
Palmer, General
Parker, J.
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain
Phillips, M.
Ponsonby, Hon. W. S.
Poulter, J. S.
Power, J.
Pryme, G.
Pryse, Pryse
Ramsbottom, J.
Rice, Rt. Hon. T. S.
Rickford, W.
Rippon, C.
Robinson, G. R.
Roche, D.
Roche, W.
Rolfe, Sir R.
Ronayne, D.
Russell, Lord John
Ruthven, E. S.
Seale, Col.
Sheldon, F. R. C.
Simeon, Sir R.
Smith, B.
Stanley, E. J.
Steuart, R.
Stewart, P. M.
Strickland, Sir George
Strutt, E.
Sullivan, R.
Talbot, J. H.
Talfourd, T. N.
Tancred, H. W.
Thorneley, T.
Tooke, W.
Turner, W.
Wakley, T.
Walker, R.

Walker, C. A.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, Hon. H. R.
Wilde, Sergeant
Wilks, J.
Williams, W. A.
Wilson, H.
Winnington, Sir T.
Winnington, H. J.
Wood, C.
Wood, M.
Wrightson, W. P.
Wrottesley, Sir J.
Wyse, T.
Young, G. F.

PAIRED OFF.

Williams, W.
Johnston, A.

List of the NOES.

Arbuthnot, General
Ashley, Lord
Ashley, Hon. H. C.
Attwood, M.
Barclay, C.
Bramston, T. W.
Bruce, Lord E.
Bruen, Col.
Calcraft, J. H.
Cartwright, W. R.
Chapman, A.
Cole, Hon. A. H.
Dalbiac, Sir C.
Dare, R. W. H.
Dick, Q.
Dillwyn, L. W.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Elley, Sir J.
Elwes, J. P.
Fleming, J.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, W. E.
Gore, W. O.
Goulburn, Rt. Hon. H.
Goulburn, Sergeant
Grimstone, Hon. E.
Hanmer, Col.
Hawkes, T.
Henniker, Lord
Herries, Rt. Hon. J.
Jackson, Sergeant
Jermyn, Earl
Jones, T.
Kerrison, Sir E.
Knightly, Sir C.
Lewis, D.
Matthew, Capt.
Meynell, Capt.
Nicholl, J.
Palmer, R.
Peel, Sir Robert
Perceval, Col.
Plunket, Hon. R.
Polhill, Capt.
Pollen, Sir J.
Powell, Col.
Price, S. G.
Reid, Sir J. R.
Ross, C.
Rushbrooke, Col.
Sibthorpe, Col.
Stormont, Viscount
Sturt, H. C.
Trevor, Hon. G. R.
Twiss, H.
Vere, Sir C. B.
Walter, J.
Wilbraham, G. H.
Wood, Col.
Worcester, Marquess of
Wortley, Hon. J. S.
Wyndham, W.
Wynn, Rt. Hon. C. W.
Yorke, E. T.

TELLERS.

Follett, Sir W. W.
Scarlett, Hon. R.

Lords' Amendment struck out, and Clause restored as it originally stood.

Lord *John Russell* then moved that Clause T, inserted by the Lords for preserving the jurisdiction of the Cinque Ports, be adopted.

Mr. *Elphinstone* objected to this and the three following clauses inserted by the Lords, and moved that Clause T be rejected.

Mr. *Curteis* agreed with the hon. Member for Hastings, and considered that these clauses had been inserted by the Duke of Wellington, without exactly knowing their real import. The clauses were in the nature of a private Bill, and ought to form the subject of a separate measure.

Mr. *Price* was of opinion that these Clauses had been fully entered into by the Government, and were perfectly understood by them. He considered their insertion to be essentially necessary.

Mr. *Warburton* said, it was taking an advantage of a public Bill to introduce clauses which were only fitted for a private Bill.

Sir *Robert Peel* thought there had been a general concurrence in the House of Lords on the part of the Government, as to the propriety of inserting these Clauses.

Clause agreed to.

The further consideration of the Bill postponed.

TITHES' INSTALMENT (IRELAND) SUSPENSION.] On the Motion of the Chancellor of the Exchequer the House went into a Committee on the Tithe Instalment Suspension Bill.

On the first Clause being read, Mr. *Hume* said, that he had intended to ask a question from the noble Lord at the head of the Home Department upon this subject. The noble Lord was not now in his place, but to-morrow, at five o'clock, he hoped to receive from the noble Lord an answer whether or not military assistance was to be given to aid in the collection of tithes. He conceived this to be a most improper measure. Those who held themselves up as the friends of the clergy and church of Ireland had, in another place, opposed the reform of that establishment, and by their opposition had destroyed the measure which would at once have afforded relief to the clergy, and justice to the people of Ireland. The clergy of that country had not endeavoured to induce their friends in the other House to carry that measure; they had, therefore, neglected their own interests, and were not entitled either to the sympathy or assistance of the House. They were also undeserving of such a measure of relief as that now before the House, and unless to-morrow he received a satisfactory answer to his inquiry, he should hope the House would assist him in stopping this Bill in its further progress.

Sir *Henry Hardinge* said, he had never heard a more illogical speech than that which had just been delivered by the hon. Member for Middlesex. The hon. Member had stated, that because the Irish Tithe Bill had been rejected by the other House of Parliament, the clergy of Ireland ought to be attacked by the Attorney-General of that country, and obliged by him to pay that which they themselves had never received. Such was the true meaning of the observations of the hon. Member for Middlesex. Under the existing state of things, it was impossible that the clergy of Ireland could repay the instalments due upon the million granted for their relief. Nobody knew this better than the right hon. Gentleman, the Chancellor of the Exchequer, who also was well aware that the grant of the million had served rather to relieve the landowners than the clergy of Ireland. He had never heard a more unjust attack upon any body of men than that which had just now been made by the hon. Member for Middlesex—a body than whom none could be more deserving the sympathies of this House. The Bill was one of mere indemnity to his Majesty's Government, in order that they should not, during the current year, proceed to exact repayments of advances made under the grant, and without it he admitted they would be compelled to incur the responsibility of not pursuing the provisions of the Bill of 1833. In point of form the right hon. Gentleman the Chancellor of the Exchequer was correct in his course on this occasion, and he (Sir H. Hardinge) could not suppose this House would consent to disgrace and distress those who were not to blame for the result of a measure with which they were not connected in another place.

The *Chancellor of the Exchequer* thought that in the whole course of his Parliamentary career he had never known a greater blunder committed than had been committed by the right hon. and gallant Officer who had just sat down, in calling the measure before the House a Bill of Indemnity. How was it possible correctly to designate as a Bill of Indemnity a measure which was only prospective in its nature, which contained restraining clauses as to giving effect to a certain Act of Parliament, or certain provisions of an Act, which had not yet come into operation, but which had no reference whatever to past occurrences. He called upon all Gentlemen who wished for a settlement of the Irish tithe question, not only upon that ground but for the sake of justice, that the innocent might not be crushed in consequence of the acts of others, who with the view of befriending them, had really been their bitterest foes. The great bulk of the clergy of Ireland, he was satisfied, were in favour of the measure for their relief which had been thrown out elsewhere. He for one should have been in favour of it if he had been a minister of that Church. He would take the liberty of telling those who cheered him why—it was because he should not only have a personal interest in the measure, but that the interests of the Church were promoted by it, in whose welfare he had a more direct interest than in the promotion of his own personal advantage. He would take leave to tell the right hon. and gallant Officer that the measure thrown out elsewhere was brought forward with a view to the permanent security of the Protestant Church of Ireland. He would venture to say, that he could foresee the time, at no distant period, when justice would be done to the motives by which his Majesty's Government had been actuated with reference to this measure. He could foresee the day when the general policy and whole course of their proceedings in favour of the Irish Church would be recognised as just and proper, and as having been conceived in the best spirit of protection. In removing the desperate and indefensible anomalies of that Church, in making a provision for those who performed laborious duties in their vocation in that Church, out of the proceeds unjustly enjoyed by those who did nothing, he was convinced that justice would hereafter be done to their motives, and that the justice and necessity of their course would be vindicated from the pettifogging opposition offered to it. Their good intentions would be seen. [Sir *Henry Hardinge*: Come to your good intentions.] Good intentions? Why, Martin, who set fire to the venerable and ancient Cathedral of York, thought he acted wisely and with good intent in such his misdeed. He had also heard a statement of a man who with good intent, it was said, had murdered his children, to secure to them, as he supposed, eternal happiness hereafter. But when fanatics like these committed crimes they were judged of not by their motives, but by the consequences of their actions, and he would wish the House to look to the consequences of the Ministers' acts rather than their motives. Their intents might have been, as they conceived, benevolent, but what were the consequences? He believed that the consequences of the rejection of the Irish Church Bill would be to injure that Church, and that the consequences of passing it would have been to benefit and strengthen that Church. At any rate he challenged the right hon. and gallant Officer to show wherein his Majesty's Government had shown a want of good faith, and of an anxious desire to promote the real and permanent interests of that Church. The time would come when justice would be done to them, he repeated, on this point, by the Ministers themselves of that Church, by its professors, and by those who were most attached to its doctrines.

Sir *Henry Hardinge* had never heard a more unwarrantable attack than that which the right hon. Gentleman had just made upon him. The right hon. Gentleman, in a most sneering tone, had thought fit to allude to him, and to impute pettifogging conduct to him. Now he begged to retort that expression upon the right hon. Gentleman.—[The *Chancellor of the Exchequer:* It was not applied to you.]—It made no difference whether the expression was applied to him or to those with whom he acted. He equally denied that he or they were capable of acting in the manner conveyed by that expression. Since he had held the office of Chief Secretary of Ireland he had made a point of offering no opposition to the right hon. Gentleman. He had always abstained from doing so; and upon the present occasion all that he had said referred neither to the right hon. Gentleman or to the Government, but to the hon. Member for Middlesex (Mr. Hume), whose speech he had characterized as illogical. The right hon. Gentleman thought this was not a Bill of Indemnity because there had as yet been no case of neglect on the part of the Government. He begged leave to say, that was not so, for proceedings were to have been taken last November, if the money had not been returned by the clergy, or within three months after that date. He, therefore, had not committed the blunder imputed to him. The right hon. Gentleman had also indulged in a discussion upon the Appropriation Clause. His opinion upon that subject was, that, by all the principles that ought to guide honest or honourable men, the clergy of Ireland were bound to discountenance and reject that provision, whatever the advantages to themselves, in a personal point of view, the measure might otherwise contain. In his opinion, they had acted like sensible and honest men in resisting the fraud of converting Ecclesiastical property to secular uses, and in refusing the bait of personal advantage, offered to them as a bribe for their conscience. He never would sanction such a principle. He had gone out of office rather than sanction it; and the more his conduct was investigated with reference to the Irish Church, the more he was sure would it be found deserving the approbation of the enlightened and honest. In conclusion he must repeat, that the attack of the right hon. Gentleman upon him, was most unwarranted and uncalled for, inasmuch as his observations were directed exclusively to the hon. Member for Middlesex.

The *Chancellor of the Exchequer* assured the right hon. and gallant Officer, that nothing had been further from his thoughts than to apply the epithet "pettifogging" to him. He should as soon have thought of applying the title of "gallant Officer" to the Archbishop of Canterbury, as "pettifogger" to the right hon. and gallant Officer. He assured him that he meant no unkindness to him, and he believed he had expressed none. The whole of his past life, both public and private, might be offered as a guarantee of his entertaining no unkind feeling towards the right hon. and gallant Officer. When, however the right hon. and gallant Officer offered a direct interruption to him, upon his declaring that if he had been a minister of the Irish Church, he should have been in favour of the measure lately sent up to the other House, he felt bound to enter upon the defence of his own opinion. He had begun with a joke—perhaps a bad one—but he did not wish to end in a different humour from that in which he had begun the debate. With reference to the question of indemnity, he would say one word. He had been told he ought to have come earlier, for the Bill came into operation earlier. He begged leave to say, that while another measure was before the House, whilst the Legislature was actually in deliberation upon a proposed measure upon the subject, it would have been contrary to Parliamentary usages, as it was condemned by courts of law, to bring such a Bill under the notice of the House.

Sir *Henry Hardinge* explained. He complained of the right hon. Gentleman taking occasion to attack him when he had given no cause for it. His observations had not applied to the right hon. Gentleman; but it was the right hon. Gentleman's frequent practice, when excited, to take the opportunity to make attacks upon persons and parties to whom no reference had been made by any one. He thought the right hon. Gentleman would do well to avoid that course for the future.

The *Chancellor of the Exchequer* disclaimed having said anything to offend the right hon. and gallant Officer.

Sir *Henry Hardinge*: You did!

The *Chancellor of the Exchequer*: Then, Sir, I say that I did not mean to give offence to the right hon. and gallant Officer, and there ends the matter. If I had intended it I should be ready to avow and defend my conduct. But with reference to the advice offered to me by the right hon. and gallant Officer, I may be allowed to tell him that no one in this House stands more in need of such advice than he does. I hope, therefore, he will apply it to himself and follow it.

Sir *Henry Hardinge*: I am utterly incapable of charging any Member with making an attack upon me unless I believed he had made it. I did believe so in this instance; but I am bound to take the disclaimer of the right hon. Gentleman.

Mr. *Henry Grattan* could assure the right hon. and gallant Officer, that if he was dissatisfied with what had fallen from the lips of the Chancellor of the Exchequer upon the subject of the Irish Church Bill, which his party in the House of Lords had had the rashness, he would not say the malignity, he repeated the word, and claimed his right to use it—if the right hon. Gentleman was dissatisfied upon that score, he could promise him ample ground of discontent if the Session lasted much longer. Let him look at the state of the clergy in Ireland, and then say whether the act of destroying that Bill was not an act of malignity—if not in intention, in effect—and he would leave them to settle the difference. He was pleased to see two English Members get warm upon this subject, because he was glad to find that at length a question connected with Ireland could rouse to the warmth of anger the feelings of English Members. This occurrence ought to mark a new era for Ireland, auguring much good in store. As an Irish Member he hoped he should improve in the opposite direction. The right hon. and gallant Officer had told the House that the Measure of 1833 was a benefit to the landowner. Nothing could more clearly show the utter ignorance and incompetency of the right hon. and gallant Officer for the situation he had lately held with reference to that country. The landlords had gained nothing. He utterly denied the accuracy of the assertion. It is one which had been made over and over again, and refuted as often as made. The question of tithes was entirely between the clergyman and the occupier of the soil, and it was a piece of absurdity in the right hon. and gallant Officer to make a contrary statement. The right hon. and gallant Officer, continued the hon. Member, talks of indemnity. He says we do not want indemnity for not putting in force the Bill of 1833. I believe him, Sir, but I can tell him who does want indemnity. It is you—you who rejected last year the very Bill, which you yourselves introduced this year. "Did not you"—(pointing to the Opposition benches)—"did not you commit the absurdity of introducing a Bill more severe upon the clergy than that which your friends in the House of Lords threw out last year?" With what face of modesty—for I must not, I suppose, say with what face of hypocrisy—but with what face of modesty, can you accuse this Government of hostility to the Church—you who brought in this year the very measure against which you protested last year—against which your friend and champion, the Recorder of Dublin, also protested, and which you used as a lever to force the late Administration out of power, on the plea that it was calculated to pull down the Church you are so anxious to support? You introduced that very measure yourselves, which you declared fatal to the best interests of the Church. Do you call that honesty? The people of Ireland look upon it, not with contempt, but with that placid indifference which they bestow, not upon the thimble-riggers, as you call them, but upon those who are playing a desperate game at hazard with the passions, feelings, and prejudices of the people of Ireland. The right hon.. and gallant Officer is playing this game too deep, and I will add too long. Though he is an officer, and I believe a gallant officer in the field, let him recollect that we are eight millions. Let me tell him that we will not be put down by this delay of justice, or by your incapacity to administer, not the affairs of the country, but any measure of benefit to it. You, (and pointing to Sir Henry Hardinge)—you were very wrath and indignant. [" *Order, order.*] Yes, you were very indignant. [" *Order.*"] I have a right to say you, as I mention no names. Yes, you were very indignant—you who on this side of the House said that with the assistance of 30,000 soldiers you could not collect the tithes. [Sir *Henry Hardinge.*—I said no such thing.] You said that it was impossible to raise the tithes in Ireland without military force. [Sir *Henry Hardinge.*—I said no such thing.] I may be mistaken, but I certainly understood that to be your statement. You said that you could not collect the tithe—then will you employ military force to collect it? You declined to try military force against Roman Catholic Emancipation, will you try it now to enforce the collection of tithe? I think the right hon. and gallant Officer might be more modest in the terms he has applied to my hon. Friend the Member for Middlesex. Never were arguments more illogical, and the right hon. and gallant Officer has shown how absurd it is to say that a good soldier in the field will also be a good orator and an excellent practical statesmen in the senate.

Sir *Henry Hardinge*: I shall not condescend to defend myself from the charge of absurdity which the hon. Member has brought against me. If I wanted to show what absurdity was, I would take the speech of the hon. Member for Meath as a specimen.

Mr. *Henry Grattan*: The right hon. Gentleman may say that I am absurd—I may be absurd, and that may be better than affected. But for my part I would prefer being polite to being impertinent.

The *Chairman* (Mr. Bernal) suggested that the hon. Member for Meath could not have weighed the effect of what he had just said, nor have considered the sense of the last word which he had used. He was sure that, as soon as the hon. Member's attention was called to the words which he had uttered in the warmth of debate, he would see the propriety of retracting them.

Mr. *Henry Grattan*: If the word "absurdity," had not been uttered with a meaning offensive to me, I should not have made use of the term "impertinent."

The *Chairman*: The hon. Member must be aware that the words he has used are not Parliamentary. They are in violation of the orders of the House, and inconsistent with the ordinary courtesy of debate. I hope the hon. Member will feel it due to himself no less than to the Committee to retract them.

Captain *Curteis* said that "absurdity" was a strong word, and not precisely Parliamentary. There had been strong provocation given, and he thought some explanation of what was meant by that word should be addressed to the Committee.

The Chairman again called upon Mr. Henry Grattan, who remained silent, to consider the meaning of the words which he had used, and to reflect whether he would not do himself more honour by retracting than by maintaining them.

Mr. *Wodehouse*: The discussion in the previous part of it was enlivened by comic expressions. The employment of the term "absurd" under such circumstances, would not be deemed a flagrant violation of the rules of the House. The word "impertinent," however, I have never heard used in this House without the Member being called on for an apology. I hope that my hon. Friend will adopt the usual course upon this occasion, bearing in mind that his apology is to the House itself, and not to an individual.

Colonel *Perceval* said, he would make one observation, which he trusted would do away with the ground of offence. He would remind the House that the hon. Member for Meath had been the first to make use of the phrase "absurd." The hon. Member had said that his right hon. Friend near him might be a good officer in the field; but he had used the word "absurdity" with respect to his right hon. Friend's services in the senate.

Mr. *Henry Grattan* could not accede to the version which his hon. and gallant Friend, the Member for Sligo, had, no doubt with the firmest belief in its correctness, put upon his words. He had not accused the right hon. and gallant Officer of absurdity. "What I said," continued Mr. Grattan, "was this, that though the right hon. and gallant Gentleman might be a good officer in the field, it was absurd to say that he was, therefore, a good orator or a practised statesman in the senate. I will not refer further to what the right hon. and gallant officer said; for there was that in his manner which was much more offensive than his matter—his fantastic manner.

Viscount *Palmerston:* The use of the word "impertinent" is clearly inconsistent with our orders, and when an hon. Member is conscious that he has used, in the warmth of debate, a word that is not fitting, his regard for his own honour, if not his regard for the dignity of this House, ought to render him anxious to take the first opportunity to retract that word, when its impropriety is pointed out to him. It is not derogatory to the character of any hon. Member to set himself right with the House, whose orders he has offended. Indeed, the more he respects himself, the more anxious will he be to do it.

Mr. *Henry Grattan:* If the right hon. and gallant officer says that he meant nothing offensive to me personally in his use of the term "absurdity," I can have no hesitation in saying that I meant nothing offensive to him personally in using the word "impertinent." If the hon. Gentlemen on the opposite benches mean by their cheers to say that the right hon. and gallant Officer was right in inflicting upon me a personal insult—[" *No, no,*"]—then I have no more to say, and my mouth is closed in the way of retractation.

Mr. *Fitzstephen French*, who sat next to Mr. Henry Grattan, thought that his hon. Friend ought to withdraw the expression which he had used. [*Hear, hear.*] He would not give his hon. Friend that advice in the House, if he was not prepared to maintain and vindicate the propriety of it out of the House.

Mr. *Henry Grattan*: If the right hon. and gallant Officer will state that he did not mean either by his manner or by his words to convey any insult to me, or if my hon. and gallant Friend, the Member for Sligo, will state that, in his opinion, his right hon. and gallant Friend did not mean to express any insult to me, I will not object to retract the word that I used. I thought that the right hon. and gallant Officer made a deliberate attack upon me, and what I said was intended as a retort to the insult.

Colonel *Perceval:* I will say this to my hon. Friend the Member for Meath, as he has appealed to me thus personally—I do not think that he had any ground for taking the word "absurdity" as used in a sense personally offensive to him.

Mr. *Henry Grattan:* As my hon. and gallant Friend says, that he thinks that the words of which I complained were not meant by the right hon. and gallant Officer in a sense personally offensive to me, I certainly have no hesitation to say that I did not mean to apply the word which I used in a sense personally offensive to the right hon. and gallant Officer, and I therefore withdraw it.

Mr. *Fitzstephen French* thought that the Committee, after what had fallen from his hon. Friend the Member for Meath, had a right to expect that the right hon. and gallant Officer should let them know that he deemed that explanation satisfactory. The Committee ought distinctly to understand that nothing further would take place in consequence of what had passed to-night between the two hon. Members.

The *Chairman* conceived the hon. Member for Meath to have stated that he meant nothing personally offensive to the right hon. and gallant Officer, and that he withdrew the disorderly expression which he had used. That being the case, it was his duty to call on the right hon. and gallant Officer to say that he was satisfied.

Sir *Henry Hardinge*: I am at all times most anxious to accede to the wishes of this House, and to the wishes of its Chairman. At the same time I must frankly and explicitly state, that I did not understand the hon. Member for Meath to withdraw the offensive expression which he used, without an inference which I cannot confirm, until I hear an absolute, unequivocal, and unconditional retractation of that expression. When that retractation is made by the hon. Member for Meath, I will state whether I am satisfied or not, but not till then. Till I hear that absolute and unconditional retractation I shall persist in saying nothing.

The *Chairman:* I have already stated to the Committee that the hon. Member for Meath has attempted to do away with the offence which he gave, and that he has made the attempt in such a manner as ought to ensure its success. That is my feeling, and I think it my duty to state it honestly and manfully. I had hoped that what has been said by the hon. Member for Meath would have been satisfactory to the right hon. and gallant Officer. It seems, however, that it is not satisfactory. I, therefore, hope that the Committee will not suffer this matter to proceed further; for if we cannot bring the matter to a peaceful and satisfactory termination, I have only one duty to perform, and that is to report to the whole House what has just occurred in the Committee.

Colonel *Leith Hay* observed, that in the course of the debate, language had been used which had induced his hon. Friend, the Member for Meath, to employ words for which he had since expressed his regret. Under the circumstances, then, of his hon. Friend having stated that he had no intention to utter anything personally disrespectful to his right hon. and gallant Friend, and of his hon. Friend having also publicly retracted the offensive expression to which he had given utterance, he could not see any just reason why his right hon. and gallant Friend should not rise and say that he was perfectly satisfied.

Dr. *Nicholl* was of opinion, that as the Committee was satisfied with the explanation of the hon. Member for Meath, the offence against the individual Member was at an end.

The *Chancellor of the Exchequer* called the attention of the Committee to this fact—that all that had been asked by the friends of the right hon. and gallant Officer had been frankly conceded by his hon. Friend, the Member for Meath. That which the right hon. and gallant Officer thought ought to be done hereafter by the hon. Member for Meath, had been done by that hon. Member already. There had been an appeal made on two distinct occasions to the House respecting the interpretation to be put on the words used by the hon. Member for Meath. In both cases the Committee had responded to that appeal. The Committee had declared that the use of the words which the hon. Member for Meath had employed, was an impropriety, and had called upon him in consequence to retract them. There had also been an appeal made to his hon. and gallant Friend, the Member for Sligo, and that appeal had likewise been answered. Upon the answer which was given to that appeal, his hon. Friend the Member for Meath had in the most unqualified and unconditional manner "[*No, no,*"—" *Yes, yes.*"] retracted the offensive expression. Yes, his hon. Friend had given an unqualified and unconditional retractation of the word used; and that, in his opinion, ought to be satisfactory to the right hon. and gallant Officer. He was the more anxious upon this point, as it was partly owing to some remarks which had fallen incidentally from him in the course of the debate, that this collision had occurred. He would remind his right hon. and gallant Friend (for so he hoped that he might call him) that there was one word in the expressions which his right hon. and gallant Friend had used towards him in this very debate, that was unparliamentary. Believing that nothing offensive was meant, he had not taken the expression offensively—he had passed it over, as he believed wisely—and he now called upon his right hon. and gallant Friend to follow his example, and to say that he was satisfied, as he ought to be, with the explanation of his hon. Friend, the Member for Meath.

Major *Fancourt*: If the hon. Member for Meath will only say with his own lips, that his retractation was an absolute, unconditional retractation of the offensive expression, I shall advise my right hon. and gallant Friend not to hold out longer against the declared sense and wishes of the Committee.

Mr. *F. French*: The hon. and gallant Officer seems to have forgotten that the retractation of my hon. Friend appeared perfectly satisfactory to the Committee, and I am therefore sure that my hon. and galland Friend cannot feel himself justified in calling upon my hon. Friend to repeat the terms of that retractation.

Major *Fancourt*: It was satisfactory, I suppose, to the Committee, because they considered it to be absolute, unqualified, and unconditional. Why, then, should the hon. Member refuse to repeat it in his own person?

Mr. *Herries* thought as the retractation had been declared by the Chairman to be unqualified and unconditional, and as that declaration had been made in the presence of the hon. Member for Meath, and had not been contradicted by him, it ought to be considered satisfactory by his right hon. and gallant Friend.

The *Chairman* hoped that in what he had before stated to the Committee, he had expressed himself without evasion or circumlocution to this effect—namely, that the explanation of the hon. Member for Meath was, and ought to be, perfectly satisfactory. He thought that it ought to satisfy the right hon. and gallant Officer.

Mr. Sergeant *Jackson* said, that the retractation had been unconditional and unqualified. He, therefore, hoped, that it would be satisfactory to his right hon. and gallant Friend, and that this matter would not be permitted to proceed any further.

After a pause,

Mr. *Warburton* said, that as this discussion had already taken up enough of their time, he should move that the Chairman do report progress, in order to report to the House the disagreeable collision which had occurred in the Committee.

Sir *Henry Hardinge:* If I am to understand that this retractation is absolute, unqualified, unlimited, and without any condition whatever—if I am to understand that it is stated by you, Sir, to be such a retractation, and that that statement is not denied by the hon. Member for Meath, I am willing to accept the retractation; but if it is not absolute, unqualified, and unconditional, then I adhere to my first opinion, and declare, that without an unconditional retractation, I am not, and will not, be satisfied.

Mr. *Warburton* said, that it ought to be left to the Chairman to decide whether the retractation were satisfactory; but, as the right hon. and gallant Officer would not submit to that rule, he must persist in moving, that the Chairman report progress, and inform the House of what had occurred.

Sir *Henry Hardinge:* If I am to understand it to be your decision, Sir, that the retractation was unqualified, and without condition, I am willing to let this affair pass over.

The *Chairman*: I have stated, what my feelings are upon this subject; it is, therefore, unnecessary for me to repeat them at length, but I cannot refrain from stating once more, that what has fallen from the hon. Member for Meath, ought, in my opinion, to be considered perfectly satisfactory.

Sir *Henry Hardinge:* If I am to understand that this is the feeling of the Committee, I will not push this matter any further, as I understand the retractation to be unqualified, and without condition.

Bill went through the Committee, and the House resumed.

GENERAL DARLING.] Mr. Tooke brought up the Report of the Select Committee appointed to inquire into the Conduct of General Darling.

Sir Henry Hardinge moved, that it be read by the Clerk.

[The Clerk read the Report. It contained a statement, that upon the examination of evidence tendered to them, the Committee were of opinion, that under the existing circumstances of the colony of New South Wales, the conduct of General Darling towards the two soldiers (Sudds and Thomson) was entirely free from blame, and that in his Report of that transaction to the Government at home he had not misrepresented the circumstances under which they were punished.]

Sir *Henry Hardinge* hoped, that this Report would be printed and circulated with the votes, as General Darling's conduct had been exposed to the most severe imputations, and it was now declared by a Committee of the House to be entirely free from blame. It must be highly satisfactory to the friends of that gallant Officer to know that he had done nothing inconsistent with his character as a soldier and a man of honour, during his administration in New South Wales. It was only an act of justice towards General Darling, that the imputations cast upon him in that House should, if possible, be obliterated; and the best mode of obliterating those imputations, as it appeared to him, was to print this Report along with the votes. The right hon. and gallant Officer concluded by making a Motion to that effect.

The *Speaker* said, that the course proposed by the right hon. and gallant Officer was a deviation from the general practice of the House. He would give orders that this Report should be printed as speedily as possible; when printed it would be easy to circulate it in the usual manner. He saw no reason for departing from their ordinary course, and for putting the Report on the votes of the House.

Sir *Henry Hardinge* did not wish the Report to to be inserted in the votes; he only wished it to be printed separately and circulated with the votes.

The *Speaker:* The ordinary course would secure that point.

Sir *Henry Hardinge:* Then my object will be attained.

Mr. *Aglionby* said, that there was an allegation in the Report, that no evidence had been tendered in support of the other charges preferred in the petition against General Darling. The inference from that was, that besides the charge relating to General Darling's treatment of the two soldiers, all the other charges against him had fallen through. Now, as a Member of the Committee, he would not say, that he had not the slightest desire to retract from a single word in the Report respecting the treatment of Sudds and Thomson by General Darling, but having said that, he must also say, that he had no grounds for expressing a similar acquittal of that gallant Officer upon the other charges preferred against him. The latter part of the Report had been drawn up after he left the Committee-room, and when he thought the whole business was concluded, otherwise he should have stayed to the end. Now, what he wished to ask the hon. and learned Chairman of that Committee was, whether the concluding Resolution of the Report was drawn up so as to say, that General Darling was acquitted on the other charges preferred against him, or that, owing to the late period of the Session, no evidence had been tendered on those charges? As the Report was read by the Clerk, it appeared to him, that the complete acquittal of General Darling from all blame in the cases of Sudds and Thomson over-rode the other charges contained in the petition.

Mr. *Tooke* said, that it was the duty of the Committee, after coming to a Resolution on the case of Sudds and Thomson, to come to a Resolution on all the other charges contained in the petition. He had, therefore, called upon the hon. and learned Member for Tralee (Mr. M. O'Connell), who seemed to conduct the prosecution, to state whether he had any evidence to tender upon the other allegations, and no such evidence being tendered, a Resolution was handed up to him, that no evidence was offered upon them. The Committee had thus disposed of all the matters referred to their consideration.

Subject dropped.

HOUSE OF LORDS,

Wednesday, September 2, 1835.

MINUTES.] Bills. Read a second time:—Charities' Commissioners; Customs' Duties; Stamps and Assessed Taxes—Read a third time:—Small Debts (Scotland); Glass Duties; Capital Punishments; Cruelty to Animals; Sardinian Slave Treaty; Denmark Slave Treaty.

Petitions presented. By the Earl of WICKLOW and Lord CARBERY, from four Places, against the Church of Ireland Bill.—By the Marquess of LONDONDERRY and Lord KENYON, from several Individuals, against the Public Music and Dancing Bill.

PRISON DISCIPLINE.] The Duke of *Richmond* brought up the Report of the Select Committee on Prison Discipline in England and Wales, and took occasion to observe that, by a Bill which had recently received the Royal Assent, the Secretary of State for the Home Department was empowered to remedy the abuses existing in the several Prisons throughout the kingdom. He hoped most sincerely that the Government would do so; and, in justice to the Committee, he was bound to say, that no pains on their part had been spared to bring their labours to a useful and satisfactory conclusion. They had not only visited the Prisons in the metropolis and elsewhere, but had examined every person who had any evidence to give; and certainly every member of the Committee who had seen the state of these Prisons, concurred in thinking with him that it was high time the attention of the Government took some steps, with a view to the correction of the abuses which abounded in every one of them. It was not his intention, on the present occasion, to go into any details of these abuses; neither did he mean to find any fault with the Governors. By a great number of persons it was said, that the mal-administration of the Prisons arose from their being crowded; but although this might be true in some cases, it was not so in all. It would, he thought, be hardly believed by their Lordships, that even prisoners under sentence of death were not allowed cells to themselves, even though no hope could exist that the law would not be carried into full effect upon them. This was the case more particularly in Newgate. The condemned man was there placed in a cell with two persons under sentence, perhaps, of transportation, and the consequence was, that his mind was diverted from the proper consideration of the awful and inevitable fate that awaited him. Remonstrances had been made against the system not only by the Chaplain to the Prison, but in many cases by the unhappy criminals themselves; but those remonstrances were not attended to, and for no other reason than because some years ago, a man confined by himself contrived to put a period to his existence, and thereby defeat the sentence of the law. This, however, was not a reason which could justify the system at present adopted; and, therefore, he hoped the Secretary of State for the Home Department, who had the power to put an end to it to-morrow if he pleased, would forthwith issue an order to that effect. The noble Duke, in conclusion, moved that the Report be received and printed; and that instructions should be given to the Assistant Clerk of their Lordships' House, to send three Copies of the Report, and the Evidence on which it was founded, to each of the Prisons, in order that the Magistrates by whom the rules for regulating them were made, should have an opportunity of consulting them.

Lord *Carbery* said, that the noble Duke deserved the thanks not only of their Lordships, but of the country at large, for the attention which he had paid to the subject.

Motion agreed to.

ORANGE LODGES—EXPLANATION.] Lord *Plunkett* was well aware that there was no Question before the House; but their Lordships could have no doubt that his feelings had been much affected by a statement said to have been made by an illustrious Duke whom he then saw opposite, and they would not wonder that he should be unwilling to remain for any time, however short, under the imputations cast upon him. He observed in the newspapers of this day, a report of what had taken place at an Orange Meeting, at which the illustrious Duke was said to have presided. He was fully aware of the difference of rank between himself and the illustrious Duke, and he knew that whatever was the rank of the person—be his rank ever so high, or his expressions ever so strong—it would not be his (Lord Plunkett's) duty to call their Lordships' attention to them in ordinary, but when what passed was in reference to what was supposed to have fallen from him in that House; and when the statement was in itself a gross misrepresentation—so far as the illustrious Duke was concerned, he had no doubt it was an entire misconception—he thought he was justified in treating it as not an ordinary case. He should now state what it was. He did not know whether noble Lords who now heard him, had been present on a former occasion, when the illustrious Duke presented a Petition from the members of Trinity College, Dublin. If so, he thought he might fairly ask them whether the expressions he had used on that occasion, had been truly represented on the occasion to which he was about to allude. The illustrious Duke was represented, at a late meeting of the Orange Lodges, to have said, "that he had also to inform the Lodge, that his official situation as Grand Master in the Empire, had exposed him to attacks of the most virulent and malignant character. A noble and learned Lord of the Upper House of Parliament, had taken the opportunity, on his presenting a Petition from the University of Dublin, to charge him, in his situation as Chancellor of the University, with tampering with the youths belonging to Trinity College, and sanctioning the formation and holding of a Lodge amongst them. Now he begged most distinctly to state that, until informed by the noble Lord himself, although Chancellor of the University, he was not aware that any such Lodge existed. Had such been the fact, it was not too much to expect that the Provost or the heads of the University, would have put him in possession of the fact; and then, as would have been his bounden duty, he would have cancelled the warrant. The Lodge would recollect the manner in which he had met this charge—he met it in the way he would meet every ungentlemanly charge—with contempt, and a firm determination not to submit to be bullied. He had received a letter, only that very morning, from a valued friend to the Institution, no other than the Rev. Charles Boyton. This gentleman was a Fellow of the University of Trinity College, Dublin, who, having heard of the attack made by the noble Lord on him, hastened to inform him (his Royal Highness) of the fact, that for the last twenty-six years, no Lodge of any kind whatever had existed in the University. It was true there was a Lodge held in Dublin, called the Trinity Lodge, but it had nothing to do with the members of the University. It was merely named after Trinity College, nothing more, and consisted principally of young members studying physic." This was the substance of what the illustrious Duke said. He could not pretend to say whether he (Lord Plunkett) had used the expressions which were imputed to him; but even if he had, though they might justify a warmth of feeling, and even some degree of resentment, he should have preferred that the reply of the illustrious Duke to them, should have been made in that House, in order that he might have an opportunity of setting himself right upon the subject. Whatever was the distance between the position in which he stood and that of the illustrious Duke, neither the illustrious Duke nor any man alive, was entitled to say that he had acted with virulent malignity, or that his conduct was ungentlemanly, and that he was treated with contempt. He should now state what had taken place on the presenting of the petition. In the first place, the illustrious Duke was mistaken in supposing that the Petition was a petition from the University.

The Duke of *Cumberland:* I never said so. If the noble and learned Lord will permit me to say a few words, I think I can set this matter right. [Lord *Plunkett:* With the greatest pleasure.] He knew no more of the publication which the noble Lord had said had taken place this morning, than he did of any publication that might take place to-morrow morning. He had not seen it, and he knew nothing of it, and was not aware of what it contained, further than what the noble and learned Lord had stated; for he had not been informed by the noble and learned Lord of his intention to bring the matter before the House. He did not mean to say, that this was a want of courtesy on the part of the noble and learned Lord; but all the intimation he had had of it was from a noble Friend, who, meeting him as he was coming into the House, had said that Lord Plunkett meant to put some questions to him. The statement was, that there had been a Meeting of the Orange Lodges, which he had thought it necessary to call from the existing state of things, and in order to rectify some mistakes which he thought it his duty to rectify. He could assure their Lordships that this Meeting was not intended hostilely but amicably. In the course of the Meeting, he had stated that he had received a letter from a gentleman in Dublin on the subject of the petition which he had presented to their Lordships, and of the noble and learned Lord's observations upon it. That petition was not, nor had he ever said it was, from the University of Dublin, but from sixteen senior and junior fellows, and forty-eight scholars of that University. As such he had received it, and as such he had presented it to their Lordships, and then the noble and learned Lord had got up and said that he (the Duke of Cumberland) was not aware of the means which had been used to get up the petition, and that he (Lord Plunkett) thought that the University of Dublin, and all other Universities, ought not to meddle in political questions, —that there was a great deal of this going on,—and that there was an Orange Lodge, called the Trinity University Lodge, [Lord *Plunkett:* "No!"]. Trinity College Lodge. He had then stated, that the petition was put into his hands by a right hon. Friend of his; and that respecting the Orange Lodges in the University, he knew nothing of them,—that they might or might not exist, but that he did not know of one; and he went further, and said that he deprecated Orange Lodges in the University, or even in regiments, and that if he could be positively informed of any, he should be the first to cancel the warrant for them. With respect to the phrase, "virulent malignity," he might have said that he was attacked with virulent malignity; but he had not spoken it of the noble and learned Lord. He had been so attacked; and the noble and learned Lord would not pretend to deny that he was scandalously attacked in a way that any man of feeling, of honour and character in the country, would resent. No man would like to be bandied about in such a way. He had been used cruelly; and for no reason but that he had stood forward boldly to declare his honest opinions. He said now, that no man should bully him to depart from those principles which he looked upon as the salvation of the country, and the support of the Protestant religion. He did not mean the noble and learned Lord; but all knew that there had been a run against him. Let him tell them, that the man who stood forward to advocate those principles, must be a man of nerve. He, however, was the last man who would shrink from his duty. He trusted that the noble and learned Lord believed, that if anything which that noble and learned Lord did, or any other man did, he thought to be wrong, he should oppose it boldly and manfully to his face. There was nothing that he would say behind the back of any man, which he would not say to his face. Great as were the noble and learned Lord's talents, and though the noble and learned Lord's eloquence was more sublime than his own, he feared not his tongue, nor that of any other man in that House; for when he felt himself to be in the right, he could stand up regardless of consequences. He meant to say that malignant attacks had been directed against him; would the noble and learned Lords say, that that was not the case against him as much as against any man that had ever lived? He must be allowed to state what the Lodge was in Dublin. He had received a letter from a gentleman who was a fellow of the University, declaring that there never had been a Lodge in the University for the last thirty years; that in the beginning of that period, there had been such Lodges, but that these were put down; and the men who had enrolled themselves were told that, unless they withdrew their names from the Lodge, they would be expelled the University. The noble and learned Lord had made the mistake. There was a Lodge called the Trinity College Lodge, but it did not belong to the University, nor was there a single member of the Lodge who was a member of the University; but it was the name given to the Lodge because it was a district Lodge, and Trinity College being the largest place in the district, it took the name of the College. The writer, though himself an Orangeman, was not a member of the Lodge. He trusted that he had now satisfied their Lordships; and being on his legs, he should now ask leave to present a petition which did come from the University, and bore its seal, which he trusted the noble and learned Lord would recognise. It was a petition against a certain part of the Irish Registry Bill, which affected the University.

Lord *Plunkett* was glad that he had given the illustrious Duke the opportunity of making the statement; and he wished to say, in the first place, that the illustrious Duke having manfully disclaimed making the charge against him, he gave implicit credit to the illustrious Duke's statement, and the matter was discharged from his mind. He should take this opportunity of setting himself right as to its being supposed that he had made an attack on the illustrious Duke, as the newspapers represented him to have done. He did not believe that the illustrious Duke had introduced Orange Lodges into the University, and had not said so; but if he had entertained any such belief he should not have presumed towards any person, still less towards a person in the station of the illustrious Duke, so nearly connected with the Royal Family, upon mere suspicion or belief, to bring forward a charge of this kind. If he had felt it his duty to make the charge, he should not have made it without clear and positive proof and demonstration; but he had not charged the illustrious Duke, nor was there any ground for the charge. He had not called for any explanation of the conduct of the illustrious Duke, but the explanation given had been most satisfactory. He was convinced that the illustrious Duke would not say behind a man's back what he would not say to that man's face; and he assured the illustrious Duke, that he also should be as far from attempting to bully as the illustrious Duke would be from being likely to submit to it.

Petition laid on the Table.

Registration — (Ireland.)] Viscount *Duncannon* moved the second reading of this Bill, the object of which was to assimilate, as far as possible, the Irish to the English system. There was this difference, however, that in Ireland the Revising Barristers were not, as in England, to be appointed by the Judges, because, as the Judges were the persons to whom an appeal could be made from the decision of the Barristers, it was proper that they should be appointed by others than those who were to review their decisions. The salary of each would be 300*l.* a year; but that would occasion no increased expense, as the Assistant Barristers now received 100*l.* a year each additional for these duties, which would in future be performed by a much smaller number of Revising Barristers. He called attention to the 54th Clause, which went to obviate the necessity of a claimant swearing that his property was of the value of 10*l.* a year over and above what he received from the tenant. This had never been intended by the Reform Act; and the nature of the objection was well understood, for when the Reform Act was discussed, there was a debate and discussion on this very Clause.

The Earl of *Limerick* said, it was too late in the Session to bring forward a measure of this description which was so complicated in its details, that even the noble Viscount, with all his acuteness, seemed to be ill-prepared to explain them. Its professed object was to assimilate the law in Ireland to the law in England; but its effect would be to disfranchise the honorary freemen. It was evident that the last Clause was drawn by some master-hand, for some master-purpose. The voting power would be thrown completely open by it.

Lord *Plunkett* did not think his Majesty's Ministers so much to blame as the noble

Lords opposite appeared to consider them, for bringing some of their measures forward so late in the Session. It was surely not their faults that a certain portion of the Session was consumed without their being able to bring this or any other measure under the consideration of Parliament. The noble Lord who had just sat down had stated his objections to the Bill, and had said he would move an Amendment to the effect, that it be read a second time this day three months. It appeared to him, however, that the more convenient course would be for them to allow the Bill to go into Committee, and then it could be seen what objections noble Lords had to the details, and to what extent they could be removed. The last Clause was the one which seemed to be the most objected to. Now the oath in the Act 10th of Geo. IV., which was the Emancipation Bill, required, that a freeholder should state not merely that his freehold was worth 10*l.* but that a tenant would be able to give him for it 10*l.* over and above the rent he paid. When the Reform Bill was under discussion, it was agreed by those opposed to the Bill, that if it were required that a voter should merely swear that his property was of the *bonâ fide* value of 10*l.* a year, they would let in a class of voters who were not much better than the 40*s.* freeholders whom they had disfranchised. That was the argument; and an Amendment was moved, for the purpose of changing the oath proposed in the Reform Bill, and restoring the oath in the Bill of 1829. The Amendment was discussed at considerable length, after which the House divided upon it, and the result was, that the oath in the Reform Bill was adopted, in order to remove the gross inconveniences which had been found to exist in the Act of 1829. According to that Act, the individual claiming to be qualified must deduct the amount of his rent, the value of his labour, and his capital, to get at the clear value of his property; and in addition to its being of the clear *bona fide* value of 10*l.*, he must be able to swear that another person would offer to give him an additional 10*l.* for it. Thus, under this system, instead of the yearly value of 10*l.* giving the franchise, the property must be of the value of 20*l.* Their Lordships would find, that on the 26th July, 1832, the question was discussed. As he had stated, the oath in the Reform Bill was objected to, but, after argument and division, adopted; therefore their Lordships, in arguing against the construction put on the oath in the present Bill, were arguing against the Reform Bill itself, and not against any novelty. The oath in the Reform Bill made no alteration with respect to freeholders; it left them in the situation in which they were before; but it did effect an alteration as regarded the holders of leases. The oath in the Reform Bill was admitted by all to be the oath required to be taken by leaseholders, but the freeholders must take the oath provided in the former Act, because the Reform Bill, by an oversight, was not operative on the freeholders.

The Earl of *Wicklow* said, he should think from the manner in which the noble Viscount introduced the Bill, from the great difficulty the noble Viscount appeared to feel in explaining its provisions to their Lordships, that he entertained little expectation that it would receive the sanction of the House this Session. He would venture to say, that a Bill more mischievously framed, more pregnant with injury to the people for whom it was intended, a Bill more evidently got up at the declaration of an individual, whose great object was to hold the Government of that country in abeyance, he had never seen introduced into either House of Parliament. He had before abstained, as much as any one, from adverting to the power of that individual; his opinion had been, that to notice him in that House was calculated to give him an undue importance; but his power had increased till it had risen to such a pitch, that it signified little what was said of him in this House. If the noble Viscount, in the height of his good-nature and kindly feeling, or prompted by feelings of mere gratitude to that individual, had addressed the learned person in language of this kind, "Sir, you have been the prop and stay of my Government, to you we owe our places in the Administration, to you we owe it that we were enabled one moment to stand before the feelings of the people of England and maintain our places, therefore I feel that it is due to you to confer on you some mark of my favour; and in order to show our gratitude for your services, we will enable you to draw a measure that will suit your purposes, a measure that will place the Government and the power of Ireland at your disposal,"—if the noble Viscount had addressed that individual in that manner, it would have been impossible for him to frame a measure better calculated to effect such an object than the one he held in his hand. The noble and learned Lord opposite advised them to go into Committee on the Bill; he said, "You who admit, that some of the details are not objectionable, ought not to throw the Bill out on the second reading." He objected, however, to go into a Committee on any Bill, the principles of which he considered so objectionable as those contained in this measure. The twelve Judges were unanimously of opinion that the qualification in the Emancipation Bill of 1829 was required under the Reform Act. The effect of the present measure would be to supersede the Assistant-Barristers, who were of high station and respectability, and on whose honourable decisions the fullest reliance might be placed, by the appointment of barristers of five years' standing, individuals who would naturally look up to those on whom they were dependent for appointments. The new qualification would admit every holder of a cabin with an acre of ground attached to it. There was no holder of a cabin with a little land from which he derived the subsistence of himself and family, who would not easily persuade himself that it was worth 10*l.* to him, and who would not consider that, without being guilty of perjury, he might come forward and take the oath which it was necessary for him to take in order to register. He admitted that some of the clauses of the Bill would be an improvement; but the others were so objectionable that he should give his support to the Amendment for the Bill being read a second time this day three months. If he was asked would he sanction the bad principle of the measure for the sake of one or two minor amendments, his answer would be that he should prefer a continuance of the present state of things. He would not for any such consideration sanction vicious principle, a principle, which, if recognised and established by law, would place the whole of the power of the State in the hands of a mischievous faction. For the second reading of such a Bill he certainly would never give his vote: on the contrary, he would oppose it to the utmost of his power, and begged leave to move that it be read a second time that day three months.

Viscount *Melbourne* I wish, my Lords, to say a few words, in consequence of what has just fallen from the noble Earl regarding a certain individual, whom he asserts he has not mentioned in this House before, and whom I presume he mentions now because he thinks it serves his purpose to do so. My Lords, when similar allusions have come from other quarters, I have not taken the slightest notice of them. I have not considered it necessary for me to notice them; but I must be permitted on this occasion to make a few remarks in reply to the observations which have been made by the noble Earl. The noble Earl, with a great deal of that sarcasm in which he is always extremely fortunate and felicitous, said that we owed a tribute of gratitude to Mr. O'Connell for the support he had afforded us, and that we relied on him to protect us against the indignation of the people of England. ["*Hear, hear.*"] What! by that cheer is that statement meant to be maintained? Is it meant to say that—is it meant to say that we stand only on the support of Mr. O'Connell? ["*Hear*"] His Lordship paused for some seconds, after which he proceeded with great animation. Are, then, the English representatives nothing? Is that body in the House of Commons who has honoured us with their support, nothing? Is the general voice and opinion of the people nothing? Is the impression as to that opinion, manifested by the great majority of this House having forborne to take direct measures for our removal, nothing? I say again, is that nothing? And is the noble Earl indeed justified in saying that we stand alone for support on the Irish Members to whom he thought proper to allude? He asserts that this measure is brought forward at the dictation of Mr. O'Connell; and he has attributed to me an attempt to give over the Government of Ireland to his guidance and his domination; but I will ask your Lordships whether anything he has stated in the course of his speech—whether any of the objections that have been urged to the provisions of this Bill—whether any observation that has been made on this side of the House bears out the great and high-sounding pretension of the exordium of the noble Earl's speech? I deny that I have any desire to increase the weight or extend the influence or power of the individual who has been alluded to in Ireland. But when the noble Earl was speaking as he did of influence, power, and weight, he forgot, surely, what form of Government we live under; he forgot that we were governed by popular assemblies; he forgot that we live under a Government which is, in a great degree, popular, and which has become more so of late years, this being the result, not so much of the measures that have been introduced, as of the general and still increasing feeling of the country. And measures not having produced altogether this state of things, in which we live, it is impossible that the opinions of persons possessing great influence, great weight, and great authority in the country, can be a matter of perfect indifference either to the Governments whom they support, or to the Governments to whom they are opposed. I am not willing to say anything disrespectful of the Government which preceded that of which I have the honour of being at the head, and I know not whether the noble Earl was a friend or an enemy to that Government, or whether the Government was the friend of him or the enemy of him, but I will state this, that I never observed any such indisposition in that Government to popular support. I never observed any such unwillingness to court it, to seek for it, to throw themselves upon it. It appeared to me that the whole object of that Government was to try to manage and control the people; the whole of their measures were, in my opinion, a series of clap-traps such as were thought calculated to win and gain over the people. I say, then, that it is not fair in those who undoubtedly pursue that policy—it is not fair in them to cast on those who do not pursue that policy, who deny having pursued it, imputations which certainly they could not deserve, and which I for one entirely repel. The noble Earl has not stated a single fact which bore him out in the assertions which he made. The noble Earl spoke as if the party of the learned Gentleman to whom he adverted was the very extreme party in this country. I deny that we are led by them; but I know this, that we are governed by other Ultras, that we are subject to their domination and their guidance, and that we are forced to adopt the measures of a majority who are led by the more violent, blind, and unyielding of themselves. The observations of the noble Earl do not apply to us, but there is a party to whom they do apply. I say there is a party who are led by the most violent among them to the adoption of measures which they must themselves disapprove—measures which they know to be extremely unwise and extremely imprudent. From the manner in which this House before conducted themselves with regard to Bills which every body admitted were for the benefit and advantage of the country, I shall not be surprised, on the contrary I expect, to see them some day supporting the measures on this side which they have opposed on that. In that way I find one consolation. It is encouraging to know that opinions though vehemently expressed, are not irrevocably fixed or obstinately maintained. I say, then, that, in my opinion, there is another party, and they exercise as injuriously the power which is unhappily placed in their hands as would the party which was first the subject of remark, and whose opinions I as little approve as any man.

The Duke of *Wellington* said, since he had the honour to sit in that House he had avoided—at least he had endeavoured to avoid—any personal allusion to individuals not present. He believed it never had happened to him—if it had he did not remember it—to mention the name of the particular individual to whom the noble Viscount had referred. He entertained his opinions of that person as well as other noble Lords; but, at the same time, it was not his habit to speak ill of anybody, more particularly behind his back. The noble Lord, however, had been pleased to compare the violence of the party on whose conduct his noble Friend had animadverted, with the violence of another party on which he and his friends—so the noble Lord meant to insinuate—were dependent for support. All he could say in reply to this was, that they had not depended for support on any party, but that one consisting of the loyal subjects of the King. He had never depended for support on any party or any individual who had been convicted of a misdemeanour, and having been convicted of a misdemeanour, was afterwards promoted by the Ministers of the Crown. With respect to this Bill, it appeared to repeal that which was considered, at the time it was enacted, in the year 1829, as a solemn compact—as a final arrangement entered into with reference to those individuals of whom this gentleman who had been named, was supposed to be the leader. The measures adopted subsequently, in the year 1832, to which he wished not to refer, but he was called on to do so by the way in which they had been spoken of by the noble

Lord—those measures in the year 1832, had placed in the hands of that individual a political power notoriously such as never was possessed by any individual in this country, during all the different ministerial revolutions which had occurred from the earliest down to the present. It was notorious that the individual in question exercised a power in another place such as never was known to exist before under any circumstances. What would be the necessary consequence of this Bill which the noble Lord had brought forward, and accused them of having rejected from this House? The consequence of it must be to increase still further that very power which was established by the Reform Act. And this was what the noble Lord came down and boasted of, and reproached them forsooth that they were looking out for popular support when they were in office. It was true they did propose several measures which, when they took office, they thought would be satisfactory to the country, but they were measures growing out of others which had been passed previously. They were not the result of measures which had been introduced by themselves, but he believed that they would prove satisfactory as far as they went, and they professed themselves ready to take into consideration any other measures which appeared necessary for the redress of grievances or the reform of abuses. As to courting popularity, that which the noble Lord accused them of doing, the noble Lord had not neglected to do himself—he brought forward in the first instance measures which were still further to establish an influence which he must know could not be otherwise than injurious to the country. He had not intended to address the House at all on the subject, and had said no more than he considered necessary.

The Marquess of *Clanricarde* said, that the noble Duke had stated that this measure would prove injurious to the country, but the noble Duke had also made a remark which he felt confident that he would not have made on reflection, it was—that Ministers knew the Bill would be injurious. Their Lordships ought to bear in mind that there were great faults to be found with the present system of registration. As regarded the qualification, this Bill was more to declare what it ought to be than to alter it, inasmuch as at present by different barristers it had been differently decided in various parts of the country. The Legislature meant the freehold to be worth 10*l.*, and not 10*l.* over and above that value. If the reason urged to induce their Lordships to throw out the Bill was that it had been introduced at a late period of the Session; if this was a just cause to reject the measure, the House ought to have refused to assent to most of the measures which had received the sanction of the Legislature for the last thirty or forty years; most Bills originated in the other House, and it was necessarily a late period of the Session before they could be sent up to their Lordships' House. It was very well for noble Lords to talk of extreme parties, but what would the country think and say when they were informed that merely the support of such parties was deemed a sufficient reason with that House to reject measures which had been maturely considered and sent up by large majorities of the other House. Constant allusions were made to Mr. O'Connell, and the Government were censured because they received the support of that Gentleman. Thank God, in this free country, a man by the exercise of great talents and attainments must ultimately possess power and influence. Such was the case with Mr. O'Connell; but when the Government was charged with having given that person the influence he possessed in Ireland, he must reply that it was his firm conviction that the great portion of the power possessed by Mr. O'Connell was owing to the conduct of the party on the opposite side of the House. When noble Lords alluded to the persons that individual was said to have great influence over in another place, he would recommend them to recollect that those hon. Gentlemen were representatives of the people. In a great many of the measures advocated by Mr. O'Connell and his supporters it was impossible to deny that he was supported by the opinion of the majority of the people of Ireland. He repeated, this was a free country, and public opinion must not only have great influence, but, when expressed in the proper way—through the representatives of the people—must be attended to. He could not help reminding noble Lords that the late Administration had brought forward many measures which they had opposed in former years. He would not say that this was the case with all the measures of the late Government, but certainly it was the case with several. Amongst other measures, they brought forward a Bill to alter the tithe system in Ireland, which was almost exactly the same as that of the previous Government, and which they had rejected last year.

Lord *Fitzgerald* and *Vesey* could not allow the question to be put without making a few observations upon the manner in which the opposition to this measure —which had been so coolly examined, and of which such moderate views had been taken by his side of the House—had been characterised by the noble Marquess. He was willing to rest his argument against the Bill on the grounds that had been urged for it by the three noble Lords who had supported it. He was satisfied, from the language used by the noble Viscount at the head of the Government, that he had not read the Bill which he was so desirous to promote. The noble Viscount complained of allusions being made to individuals, and then indulged in observations which it would be difficult to characterise as anything else. He did not oppose the Bill, because he believed that it would add to the influence of any individuals—although he believed that might be a good ground of opposition—but because it was his firm conviction that the most imminent danger would result from so great an alteration in the law as would be made by it. If he believed that the Bill would deprive many persons of the franchise which the law conferred on them, he was bound to oppose it. And also, if it gave the power of voting to those who had that privilege taken from them by the Act of 1829, he believed it was a good ground of opposition. He was satisfied that both these results would be the consequence of this measure. He would appeal to the noble Lords who supported the Bill for disfranchising the 40*s*. freeholders, whether they believed that the Catholic Relief Bill ever would have passed if it had not been accompanied by the measure of disfranchisement. Noble Lords opposite, when they alluded to popular support, forgot that the Catholic Relief Bill would not have succeeded, had it not been recommended to that House, and to the people of England by the noble Duke, and if reliance had not been placed on those measures which accompanied it as securities. He could confidently appeal to his noble and learned Friend the Chancellor of Ireland on this point. He did not oppose the Bill from any narrow views, or from any party considerations. He was satisfied that if carried it would not diminish the expense of elections. If they allowed only two days to take the poll, and even greatly increased the number of polling-places, it would be easy to create disturbances so as to prevent persons voting. It was very well to say that the law of England and Ireland on this subject should be assimilated; but they ought to recollect that the circumstances of the two countries were very different. A clause at the end of this Bill altered the character of the voters; it rescinded a considerable portion of the Act of 1829; it declared that to be law which was directly opposed to the opinion of the Irish judges, and it went against repeated decisions of Parliamentary Election Committees. Before such great changes were made, the utmost caution should be used; and certainly ought not to be consented to by that House, when the measure for the purpose had only been sent up from the other House a few days before the prorogation was expected. It was not an unfair objection on the part of noble Lords, that they should be able to consider the enactments of this Bill before they gave their assent to it. The noble Marquess stated that noble Lords had rejected the most beneficial measures proposed by the Government, not on the grounds they had stated, but merely because they formed a majority of the House. There was no doubt that several measures had been postponed, in consequence of the late period of the Session at which they had been sent up to that House, and many of them had been so postponed at the earnest entreaty of the noble and learned Lord (Lord Brougham). The measures, therefore, could not be said to be postponed with a view of embarrassing the Government. One of the Bills which had been postponed for a few days, had for its object the altering the whole system of police in the city of Dublin, and this had been put off in consequence of the noble Viscount, who had charge of it, stating that he was not aware whether or not the Corporation of Dublin were aware of its contents, but he said he would write to Dublin to make the inquiry. The noble and learned Lord, the Chancellor of Ireland stated, that he knew the Corporation of Dublin was aware of the nature of the Bill, because one of the police magistrates of that city had written to him to ask for a beneficial appointment under it. Surely if any party was to blame for the postponement of this measure, it was his Majesty's Ministers. One of the measures rejected was a Bill to alter the constitution of the Irish Constabulary. That was a most admirable force, as had been admitted by noble Lords opposite, but the noble Viscount who had the charge of that Bill stated, that it was desirable to take the appointment of constables from the magistrates, and confer it on the Government, but he had not thought proper to state any reasons for this proposal. Other noble Lords, as well as himself, entertained great doubts as to the propriety of this change, and above all at such a late period of the Session, when they had no opportunity of communicating with their several counties, and when the Bill apparently cast a slur on the Irish magistracy. The noble Marquess said this was a measure of importance, and was rejected from party feelings and for party purposes, and yet they had yesterday been told by a noble Lord, that the measure had been prepared a twelvemonth ago, and was on his table when he was Secretary for Ireland, but had not been brought forward, because he anticipated that it would meet with the opposition of an individual to whom many allusions had been made. Had noble Lords on his side of the House ever admitted that they had abandoned measures which they deemed necessary or advantageous in consequence of the opposition of that individual. The noble Viscount at the head of the Government, in alluding to the conduct of the Opposition, had made some observations which he felt bound to notice, and which could not be noticed by the noble Duke, who he trusted would excuse him for taking up the subject in his presence. If the noble Lord had recollected the character of the Opposition in that House—the spirit which had actuated the noble Duke at the head of it, and the sentiments which he had uniformly expressed—and it was difficult to imagine how the noble Lord could forget this, when his noble Friend was sitting before him—he must have felt that there was nothing of a personal or party nature in his noble Friend's opposition, and would have abstained from his allusions. With reference to those measures which the noble Lord had described as a series of claptraps for popular applause, he would hardly deign to tell the noble Lord what he felt when he heard the expression, but he would appeal to the noble Lord, and ask him whether such language was worthy his station and character, and was becoming, when he remembered the high character of the right hon. Gentleman who was at the head of the late Government? When that right hon. Gentleman addressed his constituents on the formation of the late Administration, he expressed his views with respect to the principles of Government which he thought should be pursued, and then stated that although he had opposed the Reform Bill, yet as that great measure had received the sanction of the Great Council of the nation, he should not feel himself justified if he did not follow out its principles, and exert himself to improve as much as possible the institutions of the country, which, by the popular character given to the Legislature by the Reform Bill, required extension and improvement. In what respect, in the course of his Administration, did he depart from the opinions thus laid down? His right hon. Friend had, amongst other measures, proposed one for the relief of the Dissenters, which was likely to be carried, but which the noble Lord, when he became the head of the Government, abandoned. The noble Lord had brought forward a measure for secularising a portion of the property of the Irish Church, and also one which, if carried as introduced, would have destroyed every municipal corporation in the country, without regard to rights or ancient customs. Now he would put it to the noble Lord, whether he would like to be told that he advocated these measures—not as the noble Lord had alleged, because he wished to march with the feelings of the country, and to adapt the institutions to the circumstances of the people — but merely as claptraps for popular applause? The noble Lord should allow to others the same degree of credit which he assumed to himself. The noble Lord, in allusion to the support he received from Mr. O'Connell, asked whether the support of the people of England was nothing? whether the public feeling was nothing? He (Lord Fitzgerald) would reply, certainly not; but the noble Lord should recollect that it was not by the votes of the representatives of the people of England that he had been placed in his present situation. Therefore, he contended that the noble Lord owed his present possession of office mainly to the support of those to whom allusion had repeatedly been made. With out their aid and assistance, Lord John Russel would have been in a minority in every division on the subject which led to the retirement of the late Administration. He was the last man to examine the nature of the majorities in the other House, and nothing could be more unconstitutional and dangerous than pursuing this course. The noble Lord, however, had adopted this course himself. He had asked whether the voice of the people of England was nothing. The voice of the people of England was overborne—their representatives were in the minority on the occasion to which he alluded. It was, therefore, not too much to say that the motion would not be carried without the support of a certain party. He hoped when the noble Viscount left office, he would do so on grounds as high and as honourable as those which actuated the right hon. Gentleman at the head of the late Government, whose measures he had described as a series of claptraps.

Lord *Wharncliffe* denied that those who opposed the Irish Tithe Bill of last year in that House supported a similar measure this year, when brought forward by his right hon. Friend, the head of the late Government. The principles of the two measures were essentially different. In the measure of the present Government a surplus was to be disposed of which it was impossible could ever arise. After the language of the noble Lord, it would not be unfair to apply the term claptrap to this surplus, and argue that it had been promised for mere party purposes.

The House divided on the original Question: Contents 27; Not Contents 81: Majority 54.

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Teynham
Bishop of Bristol
Ilchester.

Bill put off for three months.

* * *

HOUSE OF COMMONS,

Wednesday, *September* 2, 1835.

MINUTES.] Bills. Read a third time:—Lectures' Publication.

Petitions presented. By Mr. G. F. YOUNG, from a Gravesend Steam-Packet Company, for Redress.—By Viscount MORPETH, from the Synod of Ulster, against the first Report of the Commissioners of Public Instruction in Ireland.—By Mr. CLAY, from the Tower Hamlets, and by Mr. GROTE, from the Ward of Portsoken, against the Amendments of the Lords to the Municipal Corporations' Bill.

CORPORATION REFORM—PETITIONS.] Lord *Morpeth* presented a Petition from Freeholders, Merchants, and Bankers of the West Riding of Yorkshire, agreed to at a public meeting held on Monday last. The petition, for the purpose of avoiding loss of time, had been signed by the Chairman, Sir Francis Wood. He was informed, from authority in which he placed the most implicit confidence, that the meeting was most numerously attended, there being 15,000 persons present—that the persons were most respectable, and its proceedings most orderly. The petitioners stated that they approached that House with feelings of gratitude for the past, and confidence for the future. They expressed their approbation of the Bill for the Reform of Municipal Corporations as originally introduced into that House; and, with equal force, they expressed their disapprobation of the alterations subsequently introduced into the Bill, and in consequence of the character of these alterations, they solicited that House, with the same resolution they had hitherto manifested, now to reject the mutilated Bill, as being useless and unfit to afford solid satisfaction to the people of England. That was the prayer of the petition, and he submitted it to the notice of the House with the confident assurance, derived from his own knowledge of the sober and rational character of those whom he had the honour to represent, that in dealing with a measure of such vast importance, of the two alternatives that might present themselves, they would prefer that which he trusted the House would be able to do with honour and advantage to themselves, by embracing judicious amendments, in place of giving the measure a precipitate rejection; and in so doing, they would be effecting a great practical good, and steadily adhere to the great principle by which those whom he had the honour of representing had been ever influenced, of being at the head of every great movement of national amendment in religion, morality, and freedom.

Sir *George Strickland* admitted that the leading feature of the petition was praying that House to reject the Bill as it had come from the House of Lords. Now he hoped that the wishes of the petitioners would be gratified by the Amendments which had been made to the Bill as it now stood; because he was sure that any rational person would admit that the great and leading principles of the measure had been fully preserved. He considered that the leading principle of the Bill was a popular control over the Municipal Corporations; that popular control had been preserved. Another principle of the measure was, that appointments to corporate offices should not be made for life—that also had been preserved, and, therefore, the persons appointed to these offices would be under popular control. He hoped that sentiments to which he gave expression would be heard in the county from which the petition emanated, and he was happy to say that that most odious provision which excluded Dissenters from the exercise of those rights which they had so long enjoyed, had been excluded from the alterations that were made by the House of Lords, and that the attempt to restore the Test and Corporation Acts had totally failed. He would further say, that the House had done all in its power to make such alterations as would render the Bill efficient, and he hoped that for the peace and happiness of the country those Amendments would pass in another place.

Mr. *Blackburn* hoped that those Amendments would be agreed to. The Municipal Commissioners had had a most arduous and difficult duty to perform, and they had done it with the strictest justice and impartiality. Whether they had contrived to please all parties was another question, and was not very likely; but he believed they had faithfully performed the duty allotted to them.

Mr. *Baines* observed that the prayer of the petition was, that the Bill, as amended by the Lords, should be rejected by that House. He was persuaded, however, that the meeting from which that petition emanated could not have been aware of the alterations which had been since suggested and effected, and he was only expressing what he knew would be the opinion of the petitioners when aware of those alterations, when he said that he wished the House not to reject the Bill.

Petition to lie on the Table.

Mr. *Clay* presented a Petition from inhabitants of the Borough of the Tower Hamlets, agreed to at a meeting held on Monday, which consisted of not fewer than 10,000 persons. All the resolutions were unanimously adopted, and within a few hours the petition was signed by 3,000 persons whose residences were attached, and if another day had been allowed, 10,000 names would have been added to the petition, which in substance stated that the electors of the Tower Hamlets viewed with satisfaction the introduction of the Municipal Reform Bill, and their regret at the mutilations which had been made by the other House. They stated, that in consequence of this and other proceedings of the other House it had become apparent that in that House there was a disposition to frustrate and delay all reforms, and therefore they prayed that such a reform might be made in the other House as would render it useful to the country. The petitioners declared themselves ready to support Ministers. He trusted that this petition would yet operate as a warning to the other branch of the Legislature, and that it would not continue to proceed in a manner which he regretted to say was spreading a spirit of contempt for that House among the people.

Dr. *Lushington* was happy to add his testimony to that of his hon. Colleague in support of the petition. Circumstances had intervened since the meeting which would render it advisable for him to abstain from making such observations as he should otherwise have made, because they might lead to an inopportune contention. He must be allowed to say that in that immense district, containing 370,000 inhabitants, the majority of them entertained the sentiments contained in that petition, and if justice were not accorded to the wishes of the people, they were prepared by every constitutional effort, to support their representatives in Parliament in finally obtaining it.

Mr. *Sinclair* was much gratified, though perhaps somewhat surprised, by the altered tone evinced by gentlemen on the opposite side of the House. He had sat there for two hours on Monday afternoon, during which a spirit of defiance and hostility had characterised every petition that was presented, and every speech by which it was introduced. Any hint that it was possible to concur in any single alteration adopted by the House of Lords, was treated with contempt. "No mutilations" was the burden of every harangue, and all petitions were branded as hole-and-corner documents, in which any respectful allusion was made to the rights of the House of Lords as a co-ordinate branch of the Legislature, or any opinions expressed that their Amendments should be calmly considered. Last of all came the noble Lord with a bundle of petitions carried before him by a door-keeper, and much larger and heavier than the mace, in all of which the slightest concession was deprecated, and the stoppage of the supplies insisted on. But the noble Lord happily for the country, had listened to the voice of prudence, and had adopted a system of conciliation, for which he gave the noble Lord full credit, and which he trusted would be met by a similar disposition in another quarter. This, however, was a great triumph to the respectable minorities, which had supported in this House the very Amendments on which Ministers had now given way, and who had been denounced as enemies to all improvement, for voting in favour of the very changes, which were now admitted by the authors of the Bill to be quite consistent with its principles. There was one expression in the present petition upon which he should say a few words. He wished to know what was meant by a reform of the House of Lords? Gentlemen were extremely vague, though very virulent, when they touched on this subject; they dealt for the most part in unmeaning generalities, and never favoured the country with any specific plan. How did they mean to proceed? He could not suppose such a proposition could enter in the contemplation of any man of sane mind, or who had the slightest regard for constitutional principle, as to refer this subject of House of Lords' reform to a Select Committee of this House —such a scheme was, of course, out of the question. Then, did they wish to unfurl the standard of civil war, in order to get rid of the House of Lords as an incumbrance? Such an end could not, of course, be attained by any peaceable or constitutional means. Did they wish to persuade, or rather compel, the monarch to create 120 Peers for the purpose of annihilating the independence of the House of Peers? He was convinced that, rather than inflict such a mortal blow upon the Constitution, to gratify an imperious Ministry, or crouch to a desperate ultra-liberal faction, the King would lay his head upon the block. Did his hon. Friend the Member for Middlesex, expect to pass an Act of Parliament for infringing on the rights of the Peers? Did he think it possible, that they could be persuaded to give their sanction to a Bill for their own degradation? Whatever might be the case hereafter, we had not yet attained to that stage in our democratic progress, which would enable us to pass an Act of the Legislature, without the concurrence of one of its branches. He saw two hon. Members preparing to gratify his curiosity, and he would assure them, that he was as anxious to hear their nostrums promulgated, as they could be to divulge them. He should, therefore, only at present express his conviction, that the House of Peers never stood higher in the estimation of the religious, intelligent, and educated portions of the community, than at the present eventful crisis, when by their wisdom, their firmness, their moderation, and their consistency, they had entitled themselves to the gratitude of the Church, the approval of the nation, and the admiration of the latest ages—they had shown that they would neither be intimidated by ministerial menaces, nor crouch to pressure from without. The subdued and modified tone now adopted in reference to their amendments, after so much blustering and gasconading, might teach them that by opposing a calm and dignified resistance to those clamorous for reckless innovation, by fearlessly acting upon principles, they would best consult their own honour, and discharge their duty towards their country. He felt assured that, to the last moment, they would resist the spoliation clauses of the Irish Church Bill, and thus maintain the principle, on the integrity of which the existence of a Church Establishment depended inviolate, and unimpaired.

Mr. *Roebuck* would answer the hon. Member's question by explaining the general nature of a proposition which he intended to bring forward on the subject of the House of Peers early next Session. His object in that proposition would be that the *veto* of the Lords in all matters of legislation, should be taken away. Yes, that the *veto* should be entirely taken away, and that the Lords should, in place of it, be endowed with a suspensive power to a certain extent; that was to say, that they should have the power of sending back a Bill to the Commons; but then if it were again passed by the latter House in the same Session, and received the Royal assent, it should become a law notwithstanding its former rejection of the Lords. Hon. Members opposite seemed to look upon "the Lords" as a body so hedged in by divine immunity that to hint even at their fallibility, to say nothing of a remedy for it, were a species of blasphemy; but those hon. Members, as well as "the Lords," would, before long, find that the same pressure from without which compelled the House of Commons to reform itself, would equally operate in compelling the House of Lords to reform itself, and to become an efficient and useful branch of the Legislature instead of what it now was, an irresponsible, an ignorant, and an interested oligarchy.

Mr. *Hume* felt proud in contrasting the conduct of the reformed House of Commons with that of the unreformed House of Lords, in reference, particularly, to the great Measure of Municipal Reform, and that contrast shewed, more clearly than ever, the absolute necessity that some speedy and efficient reform should be brought about in the latter branch of the Legislature. He would take the opportunity, in answer to the hon. Member, of making known what he, too, understood by such a reform, and what, moreover, it was his intention next Session to propose on this subject. The first requisite for a system of good government was the responsibility of those who governed. The House of Lords was not a responsible body, and therefore good government was not to be confidently reckoned upon on their part. The irresponsibility, powers, and privileges, which they possessed, might have been well enough in the times when the body was instituted, but the case was very different now. The House of Commons had been reformed, and was responsible; what possible reason could be assigned why the Lords, a co-ordinate branch of the Legislature, should not, in like manner, be reformed and become responsible? He would now take the liberty of reading a notice which he intended to put on the list for next Session, and which he had had by him ready for some time past. The notice was, that he should early next Session move the appointment of a Select Committee to inquire into the number of the Peers; their qualifications and privileges as such; into the Committees of that House, their power, privileges, and immunities; to consider how far that House had fulfilled its duties as a part of the Legislative body; and, finally, into the conferences and communications between the House of Lords and Commons. The distinctions kept up by the House of Lords, as regarded the House of Commons, were as absurd as they were degrading to the latter branch of the Legislature. The Commons, forsooth, were, by a standing resolution of the Lords obliged, in all conferences with the Lords, to stand uncovered; while the Peers sat, with their hats on. The Commons, that was to say, were treated by a co-ordinate branch of the Legislature as nothing better than a set of degraded petitioners. These 'conferences,' besides, were in fact but a mere mockery and farce, in which two bits of paper were handed about. It was a mere mockery, like everything else connected with the House of Lords. The hon. Member opposite might smile; but it was nevertheless the fact, that the whole thing was a mockery, only equalled in its absurdity by its mischief. Masters of the community though the Lords were, they must, however, in their turn, yield to the march of intelligence, to the pressure from without, and condescend to reform themselves as the Commons had done before them. The House of Lords must correct its manifold defects. This was what the people universally demanded; but, and it was fit he should add this—no one, no body of men that he had had communication with, desired to see the House of Lords abolished. Every one agreed with him in thinking that the Chamber of Peers, while every endeavour should be made to render it an effective instrument of good government, should be preserved. Publicly and privately he had ever maintained that the existence of two Chambers of Legislature was necessary to good government. He could not conceive of a better form of Government, than that of King, Lords, and Commons, provided that each kept within its proper sphere. But when he saw one branch of the Legislature absorb the powers of all three, and appear to stop all improvement and all reform, then he thought it high time that the people should have the matter inquired into, and, if possible, make that body abandon its usurped domination; and, by working in its own sphere, conduce to that purpose for which it was instituted—the maintenance of the liberties and happiness of the people.

Petition to lie on the Table.

CORPORATION REFORM (LORDS' AMENDMENTS).] On the Motion of Lord John Russell, the Lords' Amendments to the Municipal Corporations' Bill were taken into further consideration.

Lord *John Russell* would first deal with the postponed Clauses, and afterwards take the schedules into consideration. He intended to propose to leave out that part of the preamble which related to rights of common and other property, as well as that part which referred to the exemption from tolls, and to introduce words placing that exemption on the same footing as it had been placed by the House of Commons, before the Bill went to the Lords—viz., that all persons now possessing actual or inchoate rights of exemption should be allowed to preserve them. As to the rights of common, he should be fully justified, on all grounds of public justice and sound policy, in proposing that all rights of common should cease with the present possessors. He did not, however, object to making some concession to the other branch of the Legislature upon this point.

The Amendments proposed by the noble Lord were agreed to.

Lord *John Russell* proposed to omit the whole of the words introduced by the other House into Clause 15, respecting the Councillors' roll, and the lists of persons qualified to be made out by the Overseers.

The Amendment of the Lords was rejected.

On Clause 47, which imposes a penalty of 50*l.* on any person not qualified acting as Mayor, Alderman, or Councillor,

Lord *John Russell* said, that the question which he would now proceed to was that which was involved in Clause 47, whether the qualification required by the Lords' Amendment should be a continuous qualification, the party having given a *bona fide* qualification at the time of his taking office. The question was, whether a person so qualified should not be considered to be permanently qualified under this Act. To state the matter as fairly as he could, he must first say, that he felt there was considerable difficulty in deciding on this question; because undoubtedly, as the Clause then stood, it might produce considerable inconvenience and annoyance, if a person thus qualified, and qualified fairly, should, after having been duly qualified, meet with those casualties in trade to which all men engaged in business were liable, and sustain great loss, be required to declare upon the instigation, perhaps, of some political enemy, the fact of such losses, and with such declaration, perhaps to avow his own insolvency, or at least the deterioration of his property since the time of the election. But, on the other hand, they had agreed to the principle of qualification, and the whole House were anxious to carry that principle of qualification duly into effect. Looking to the Amendment suggested by the House of Lords, he thought that it contained provisions which might be so much evaded, that he was certainly disposed to recommend to the House a further Amendment which his hon. and learned Friend the Solicitor-General meant to move, which proviso his hon. and learned Friend would explain to the House, having reference to the case of costs on frivolous actions against persons supposed to act without the required *bona fide* qualification. He thought such a proviso was absolutely necessary to guard the persons who might be in office as Town Councilmen from those vexatious proceedings to which they might be liable from the influence of party or political motives. With this intention on the part of his hon. and learned Friend, he would propose after the words (this Clause inflicts a penalty on persons not qualified, &c., acting as Mayor, Alderman, or Councillor) "without being duly qualified" to add the words, "or during his continuance in office."

Mr. *Robinson* said, that he had an almost insuperable objection to this Amendment. He thought that under this Clause, great evils would arise. Suppose the case of a man who from some cause or other might become an object of dislike to the great majority of the Council; that man would be liable to be oppressed by the joint purse of the majority, who might seek to annoy him by invalidating his claim to the continuance of his office. Would any man contend, seriously, that a man who at the time of his being elected had a *bona fide* qualification of 1,000*l.* but who might afterwards sustain losses by which his property became deteriorated —would any man, he asked, under these circumstances, contend that that man ought to be afterwards liable to be challenged in respect to his qualification? He thought, that so far from amending or improving the constitution of the Town Council by such a Clause, it would have an effect directly the reverse. He should be sorry to divide the House on the question, inasmuch as it might give trouble, but he certainly had an insuperable objection to this Clause altogether.

The *Solicitor General* said, that in rising to address the House, he laboured under some difficulty, from the apprehension that the motives of those with whom he acted might be misunderstood. If he conceded himself to this qualification Clause which had been introduced, he must still say, that he was of opinion it would be found to deteriorate from the Bill. But if a qualification were introduced, it appeared to him, as had been stated yesterday, when the matter was discussed, that it would be altogether nugatory, unless the qualification was one which was to be continuous. He admitted the presence of the difficulty, but he said that difficulty was one which resulted from the introduction of the qualification, and he felt that this difficulty was tenfold enhanced by the present provision. This was no new provision, because it was introduced into every private Act, and he was told that in an Act of Parliament which regarded the local Government of the city of Worcester, the very words proposed were used; such being the case, he thought they were bound to put this Clause into such a state as should carry out his intention with the least possible evil. It had been proposed yesterday to insert the words at the time of making the declaration in reference to the qualification; if these words were so inserted, then the matter referred to the qualification at the moment of the party establishing it. The Clause went on to say, that if any person should act in any of the capacities set forth without being duly qualified, they should, for every such offence, forfeit and pay the sum of 50*l.* The House would observe in the 6th line of the Clause the words "every such offence." Now, these words showed the House contemplated a continuing liability to commit offences by reason of the qualification not continuing after acceptance of office, whereas if it had intended that there should exist a qualification only at the time of election, more than one offence could not have been committed. Following up, therefore, what was evidently the intention of the House, he considered it necessary that the words proposed by the noble Lord, "or during his continuance in office," should be inserted. The next consideration was, how they should contrive to make this necessary precaution produce as little evil as possible. This must be done by preventing vexatious suits. It was to his mind quite clear, that no great practical difficulty would arise from the insertion of the noble Lord's Amendment. There were upwards of 50,000 persons spread over the country as much liable to vexatious prosecutions, on the ground of having become disqualified under local acts, as Members of Town-councils would be, but such a prosecution was hardly instituted once in twenty years. However, to diminish the means of annoyance as much as possible, he proposed to introduce a proviso to the effect that it should be competent to any party against whom such a prosecution should be instituted, to apply for a Judge's order, to be obtained within fourteen days after the issuing of process, calling on the plaintiff to give security for the payment of costs in such action, and that, in default of such security being given, all further proceedings should be stayed, and the defendant in such cases should recover his full costs as between Attorney and Client.

Mr. *Warburton* said, this was a security as far as it went, but the suggestion did not go far enough. In the choice of local Commissioners politics did not interfere; politics did interfere with corporation questions. They had heard much of the facility with which the Act might be amended hereafter; but let it be remembered that, in respect to the Reform Bill, they had been told that that was a permanent measure, and so would they be jeered at hereafter in respect to this Bill. Any person might bring a suit under this Clause, and he thought that they ought to limit this class of actions against the persons inculpated. If he looked at the Attorney-General, or the Solicitor-General, they could not be suspected of improper bias, if this power were vested in them; or if it were the hon. and learned Member for Huntingdon, or the late Solicitor-General (who differed from him widely in politics), he should, of course, trust them implicitly; but by this Clause any informer might be put forward by a political party. He would suggest, then, that the time should be limited within which these actions should be brought. He would also say, that the Attorney and Solicitor-General should be the only parties to bring these actions.

Mr. Sergeant *Wilde* thought it was impossible to suppose that the House of Lords were disinclined to take these amendments into consideration, because they would be found not inconsistent with the good objects which they sought. A *bona fide* qualification was sought to be secured by the House of Lords, and these amendments would tend to allow that. He could not conceive that the House of Lords meant that the qualification to be taken up should cease. The observation of the right hon. Gentleman, the Member for Tamworth, made on a former evening, was one which was conclusive with regard to the disqualifying effect of this provision. A man, however, might be a contractor without being disqualified, though possessing an advantageous interest. If, indeed, a party took office upon a mere colourable qualification, then let him be promptly disqualified from office. If, however, a man's qualification were *bona fide* at the time of election, he was desirous that he should not be compelled to retire from the Council by reason of subsequent losses. He could see no serious consequences likely to arise from the Clause as it then stood. He would put the case of a tradesman who, at the time of his taking up his qualification, was possessed of 1,000*l.* but who might, perhaps, have calculated certain debts at 10*s.* in the pound, which eventually turned out to be not worth 5*s.* His property must be, therefore, deteriorated; and, in short, the operation of the Clause must be to allow of one party harassing individuals to an extent which could hardly be imagined. He thought, too, that it would be better to limit the penalties to less than that now proposed—namely, 50*l.* for every act done when not duly qualified, and that the action should only be brought three months after the commission of the offence. This enactment might ruin a man. He would propose, too, that it should be optional to a Councillor to retire whenever he was disqualified. He trusted that a *bona fide* qualification at the time of taking office would be satisfactory to that House and to the House of Lords.

An *Hon. Member* begged to suggest whether this Clause did not hold out too strong an inducement or motive for parties to bring vexatious actions, with a view, perhaps, to crush a political foe. He would propose that no other party be entitled to bring the action but a burgess of the town in which the individual resided; and, also, that notice should be given of such action fourteen days after an action should lie.

Mr. *Ward* thought that all that had occurred must have convinced the House that the Qualification Clause involved them more and more in difficulty. Let the House modify it as they would, it would hereafter be necessary to repeal it.

Mr. *Lennard* said, if property were to be the test of qualification, was it not sufficient that the party was possessed of it at the time of taking office. They ought not to subject men to this inquisitorial inconvenience, and he would be no party to such proceeding. Was not this a new principle, that a man having once established his qualification should be again compelled to show and prove it? Had they ever heard of a county Member in that House, for instance, being challenged as to his qualification from the fact of his property having been lessened from causes over which he had no control? To lay down such a principle as that was intolerable and insulting. He would further propose to strike out that part of the Clause which gave one-half of the penalty to the informer.

Sir *Robert Peel* observed, that it was fruitless to divide now upon the principle of qualification. The noble Lord opposite, for the purpose of facilitating the settlement of the question, had stated what were the points he was disposed to concede. Of these the principle of a qualification was one. He had supported that principle, and he did not think he should raise himself in the opinion of any hon. Member if he were now to get up in his place and say that he did not think any qualification necessary. But when the noble Lord consented to a qualification he was bound to make it as good as possible. For his own part, it would quite have answered his purpose if the Clause had stood in the form in which it was originally framed; but, when the Attorney-General inserted words which made it necessary for a person to have a qualification at the time of his election to office, it also became necessary to add the words, "or during his continuance in office." The Clause was certainly better as it originally stood, but it would now be necessary to have the double amendment. He thought that the practical difficulties which would result from this amendment had been greatly exaggerated. A similar proviso was inserted in a great many local acts, and no advantage was taken of it. The chance of retaliation would, in his opinion, practically control vexatious proceedings in the first instance. Besides, this objection of vexatious proceedings being likely to be instituted would only apply to those cases where the qualification was on account of property, and not on account of rating, and this would narrow the sphere of inconvenience considerably. It was now asserted, though little of this was heard last night, that the parties would be influenced by political excitement. Why, that was what he said last night when the question of the choice of magistrates by the council was discussed. He had said, "they will be acted upon by political feelings—they will be politicians." Now that was admitted, and if so, and a party should be influenced by political animosity to bring a vexatious action against another, it would be right to avoid the danger of occasional qualification, as the prevalence of the same feelings might influence persons to qualify for the occasion, with the intention of evading the penalties of the Act. He thought that the penalties could not safely be diminished. There could be no doubt that a continuous qualification must be retained, if there was to be any qualification at all. He had no objection to confine the power of bringing these actions to the burgesses of the towns, and he should wish to diminish the time within which these actions were to be instituted. If the hon. and learned Attorney-General would give up his amendment, the object of the noble Lord's amendment would be realized, but he did not see how that could otherwise be done.

The *Attorney-General* should be most desirous to waive his amendment if it was the pleasure of the House that he should do so, but he denied that the Clause as sent down from the House of Lords would have been less objectionable without it.

Mr. *Charles Buller* observed, that the Clause must lead to great litigation. It was impossible that the Clause could be advantageously carried into operation while property continued to be of a fluctuating character. Take the case of a person connected with the hop trade. The supply of this article was of so uncertain and irregular a nature, that the man who traded in it might be perfectly well qualified at the time of his entrance into office, and in three or four months lose a considerable part or the whole of the property by which he became eligible. He thought if the parties were qualified in the first instance that ought to be considered sufficient, and any accident which subsequently occurred ought not to affect the qualification. If a person's house which was rated at 30*l.* were, after his election, burned down, ought that to disqualify him? He should hereafter propose that the declaration that the party was possessed of the qualification should be made once a-year, and that such a declaration should be final and sufficient.

Mr. *Blackburne* said, he had voted for the proposal made by the Attorney-General, on the principle that the possession of a qualification in the first instance would be sufficient.

The *Solicitor-General* said, that agreeably to a suggestion thrown out, he would add to the Amended Clause a proviso, to the effect that no such action shall be instituted by any persons other than the burgesses of every such borough, and also that notice shall be served on the defendant within fourteen days after such offence of the intention to bring such action. The hon. and learned Gentleman also proposed that an addition, to the effect that if any person, shall by reason of not being so qualified in respect of rating or estate, prove not to be qualified to act, &c., should be introduced after the words —"If any Mayor, Alderman, or Councillor shall act without having made the declaration herein required, or without being duly qualified."

Mr. *Harvey* said, the hon. and learned Gentleman's Amendment was of no value whatever. His object was to protect parties from vexatious prosecutions, by rendering it necessary that the informer shall be a burgess, and that notice shall be given within fourteen days after the alleged offence. This would not protect persons from vexatious proceedings, as all such informations would be of a party character, and therefore there would be no difficulty in getting a burgess to inform. He did expect that the hon. and learned Member would, as a greater protection against annoyance, have rendered it imperative that the informer should within the fourteen days give security for costs in the event of the prosecution failing.

Mr. *Baines* asked the noble Lord (J. Russell) and the right hon. Baronet (Sir R. Peel), as regarded the criterion of qualification, whether a man holding a house of the actual value of 90*l.* should be entitled to vote if the house were not rated at 30*l.*? In some parishes the houses were rated at their actual value, but in others they were only rated at one-fourth, which would exclude from the right of voting a party in possession of a house really of the value of treble the amount of qualification.

Sir *Robert Peel* said, that if questions were now to be asked which had been decided last night, the debate would be interminable. He wished that every parish would rate upon the real value. Taking a nominal value or any other scale than the real value was an exceedingly absurd proceeding and contrary to common sense.

The House divided on Lord John Russell's Amendment: Ayes 155; Noes 56; Majority 99.

List of the NOES.

Alsager, Captain
Arbuthnot, Hon. H.
Ashley, Lord
Brownrigg, J. S.
Bruen, Colonel H.
Borthwick, P.
Barneby, J.
Bonham, F. R.
Baring, F. T.
Bentinck, Lord G.
Cartwright, W. L.
Dowdeswell, W.
Damer, G .
Davenpor E. D.
Elves, J.
Eaton, R. J.
Fleming, J. W.
Goulburn, Rt. Hn. H.
Gordon, Hon. Capt.
Grimston, Lord
Halford, H.
Hawkes, T.
Herries, Rt. Hon. J.
Jackson, J. D.
Jones, Captain
Law, E.
Longfield, R.
Lewis, W.
Lowther, J. H.
Manners, Lord C.
Neeld, J.
Nichol, J.
Peel, Sir R.
Palmer, R.
Praed, W. M.
Price, G.
Pemberton, T.
Ross, C.
Russell, C.
Reid, Sir J. R.
Somerset, Lord G.
Sheppard, T.
Stormont, Lord
Sandon, Lord
Sibthorpe, Colonel
Trench, Colonel
Vere, Sir C. B.
Wortley, Hon. J.
Worcester, Lord
Wilbraham, B.
Wyndham, W.
Walter, J.
Wynn, C. W W

TELLERS.

Freshfield, J. W.
Goulburn, E.

The *Solicitor-General* said, he should then propose, as another Amendment to this Clause, that it should be lawful for a party against whom an action might be brought, upon obtaining a Judge's order to serve the plantiff with a notice requiring him to give, within a limited time, security for costs in case he should fail in his proceedings, and that the proceedings should be stayed till such security was given and approved off; also providing that no such action shall be brought except by a burgess of the borough, and only in case he shall give notice within fourteen days after the ground of action accrued of his intention to bring such action.

Agreed to.

Lord *John Russell* said, on the Clause which provided that a new rate should be levied at the Cinque Ports, he doubted very much whether the House ought to agree to the Amendment of the Lords. That Amendment was for levying a rate according to rules that had not been in practice in those boroughs before. He thought it would be better to leave the law in such a state as that some distinct legislation might be come to with respect to the Cinque Ports, rather than to introduce any new practice into those boroughs by this measure.

Mr. *Goulburn* said, that the alteration which had been made had left certain boroughs without the means, unless by resorting to some new rate, of defraying the expense attending the prosecutions of the additional number of criminals which had been transferred to them. At the same time he doubted, with the noble Lord, the propriety of agreeing to this Clause, standing as it did; but the question was, whether the House ought not to add some Amendment to the Amendment of the Lords.

Clause agreed to, with an understanding that a Bill with retrospective operation should be introduced next Session to remedy any inconveniences.

Lord *John Russell* then proposed that the House should proceed to the consideration of the Clause disqualifying Members of the Council not belonging to the Church of England from interfering with the patronage of livings in the gift of Corporations. He believed the most convenient way would be to take Clause L in conjunction with Clause M, and to discuss the principle of both at the same time.

The *Chancellor of the Exchequer* thought both Clauses came now legitimately under the consideration of the House, and the best course would be to discuss first what they intended to substitute before being called on to reject the Lords' Amendments. He was ready to admit that the proposition which he made last night was not altogether free from objection, but it was the best, the most direct, and the most satisfactory that he could devise after mature consideration, and he had the gratification to find, that, the general opinion was in favour of it upon both sides of the House. That proposition was, that a Clause should be introduced by way of amendment to this proviso, by which within a reasonable time after the passing of the act, Corporate Bodies should be bound to sell their Ecclesiastical property; he had framed a Clause to that effect, and the only alteration in it, as compared with the proposal which he made last night was one to which he believed the House would be most ready to accede,—namely, that instead of applying the whole of the sum realized by the sale of those livings at once to the use of the town, the capital should be invested in the public securities, and the interest only applied in aid of the borough-fund. In compliance with a suggestion which had been made to him since entering the House, he had also to propose that the sales of this property should be carried on under the direction, advice, and control of the Board of Ecclesiastical Commissioners. (The right hon. Gentleman brought up the Clause, to the effect above stated.)

Mr. *Freshfield* suggested to the right hon. Gentleman that it would be necessary to provide for the presentation to any vacancy which should occur between the passing of the Act and the sale. Should any such occurrence take place how and by whom was the presentation to be made?

Sir *Robert Peel* thought it was necessary on occasions like the present to overlook minor difficulties, and although he saw undoubtedly great obstacles in the way of compelling sales of property of this nature, yet considering that the proposal of the right hon. Gentleman would relieve them from the pressure of considerable difficulty on both sides in the way of a satisfactory settlement of the Corporation Question, he was content for the present to waive all such objections. The adoption of the right hon. Gentleman's proposition had met with the willing consent of several of his hon. Friends; and he was bound to say that the transfer of this patronage to individuals, if it could have been effected with the entire consent of the Corporations, would be a good thing for the Church; because it would put an end to that sort of canvass which was unavoidable where the members of a popular body had a voice in the nomination, and which was so peculiarly odious and objectionable in the case of spiritual preferment. Apart, therefore, from the consideration of the principle of property, and looking at the question abstractedly, he thought the nomination by individuals subject to individual responsibility would, on the whole, be an improvement; but believing that the proposition of the right hon. Gentleman would tend to remove considerable difficulties in the way of an amicable arrangement with regard to this whole measure, he would not in the slightest degree oppose its adoption. He must, however, be allowed to insist, that the Lords in introducing this Clause had no intention or design whatever of trenching upon the great principle of perfect civil equality between Dissenters and members of the Church of England. He did not wish to provoke any discussion on the subject; but when so much had been urged as to the establishment of "new distinctions," he begged leave to say that so late as 1833 a Bill was introduced by his Majesty's present Government with respect to the Church of Ireland, certain Commissioners were appointed, and in the very first Clause they were required to make oath as follows:—"I do hereby solmnly declare, and in the presence of God, testify and declare that I am a member of the United Church of England and Ireland as by law established. Witness my hand." That was in a Bill introduced by the Whigs, but it was not his object to provoke discussion and he, therefore, would make no further remarks on the Clause, but give his assent to it.

Mr. Sergeant *Wilde* said, that it would have been absolutely impossible for that House to adopt the clause which had been sent down by the House of Lords, a clause than which the greatest enemy to the Church of England could not have devised one more injurious to its interests, without some such proposition as that of the right hon. the Chancellor of the Exchequer. It was, in every point of view, highly desirable that the ecclesiastical patronage of the Corporations should be sold. If it were not, and if the Clause sent down by the House of Lords were agreed to, let it be considered how difficult it would be to determine what exactly constituted a member of the Church of England, and, therefore, what members of the Corporation were entitled to concur in the nomination. The fact could be ascertained only by the examination of servants and other witnesses, and long discussions would necessarily ensue, during which the Church would remain vacant. In the event of the difficulty alluded to by the hon. Member for Penryn, namely, that of a vacancy occurring after the passing of the Bill, but before the sale of the Corporation patronage could be effected, it might be obviated by a provision giving the presentation, under those circumstances, to the Bishop. It might also be desirable to introduce a provision, that before investing the proceeds of the sale in the public securities, they should be applied to the payment of the debts of the Corporations, if any such debts existed.

Sir *William Follett* perfectly concurred in the expediency of adopting the Amendment of the right hon. the Chancellor of the Exchequer under the circumstances in which the Legislature was now placed with reference to this Bill. He thought it was the best mode of avoiding all the difficulty felt to exist to the passing of the Bill whether in the conscientious feelings of individuals, or in the views taken of the Bill in another place. This Clause, as it was framed, applied in strictness to ecclesiastical patronage. Now, in his opinion, some disposition other than that which now existed was necessary with respect to that patronage in these Corporations which, though not strictly ecclesiastical, savoured strongly of it. He meant lectureships in chapels, the gift of Corporations, which were in value often only 50*l.* a-year, but which the liberality of the inhabitants voluntarily made up generally to about 300*l.* a-year. To avoid all the inconvenience and odium of exposing these appointments to a canvass, he should suggest that those in future be in the gift of the Bishop of the diocese. He was impressed with a firm belief that there was a greater inconvenience and indelicacy in permitting these appointments to be a matter of canvass than from any contest, however warm, for civil offices.

Mr. *Hughes Hughes* said, there were fou lectureships in the City of Oxford, founded by the late Earl of Lichfield, and endowed with fifteen shares in the Oxford Canal; he wished to know what effect this Clause would have in such a case? He trusted that the hon. and learned Attorney-General would state, for the information of the House, what he had been so good as to state to him personally, as to the mode in which those lectureships would be treated.

The *Attorney-General* replied, that such cases as those referred to by the hon. Member, being of the nature of charitable foundations, would be included within the exceptions to the Clause.

Mr. *Lennard* suggested that the nomination to livings, when taken from the Corporations, should be given to the parishioners. There was no point upon which the feelings and wishes of any body of people should be more considered than in the appointment of their spiritual pastor. He thought it would be most desirable that the parishioners should at least have a voice in the appointment of the clergyman. He begged to press this point most earnestly upon the consideration of the Government.

Mr. *Wynn* expressed his approbation of the Clause proposed by the Chancellor of the Exchequer, and hoped that the suggestion of placing the sale of corporate church-property under the control of Church Commissioners would be attended to. He hoped, also, that some provision would be made, should vacancies occur in the interim, for authorising the Council or the Bishop of the Diocese, to fill them up.

Lord *John Russell* thought, that with regard to the suggestion, that in the interim the right of appointment should be either in the Council or the Bishops, that as his right hon. Friend had fixed a time for such sales by the Ecclesiastical Commissioners, these latter could not delay the sale beyond the time specified. He was happy to find that so much unanimity prevailed with respect to the principle of the Clause; for though he certainly would cast no insinuation upon the motives which led to the introduction of the amended Clause, yet he should have opposed its retention in the Bill.

Mr. *Roebuck* could not help considering the Clause proposed by the right hon. the Chancellor of the Exchequer as one of a most gross and disgraceful nature. It proposed to meet the difficulty felt by certain parties as to the admission of dissenters into the Town-council, namely, as to the possibility of a dissenter having the power, in his capacity of councillor, to dispose of church patronage. What did the Government propose to do? Why, they got over that difficulty by selling the power; and then what was to prevent a dissenter from buying every one of these dieces of church patronage? It was not getting over the difficulty: it was only removing it. And look also at the principle contained in it. First of all, the House taxed the people at large for the payment of ministers, and then sold the power of appointing those ministers, and placed it in irresponsible hands. That was what they called the benefit of the Established Church, that is, they laid down the principle that the Established Church could not be well governed except they placed the appointment of its ministers in irresponsible hands. That was the real meaning of this sale of the church property. The Church of England, or some persons pretending to feel a peculiar interest in that Church, talked much about uniformity of belief: that was not their principle; the principle of the Established Church was universality of pay.—[" *Oh!*"]—He knew well that some Members would cry " Oh!" at that. But look at what they had done. They did not care whether an infidel or a Jew bought this church patronage: so he were not a responsible person, they did not care at all who had the power of appointing the ministers of their Church. He was aware he should be laughed at by some gentlemen opposite if he talked about the people choosing their own teachers; but the Dissenters chose their ministers, and he should like to know where they would find a more respectable body of men than the Dissenting ministers? Therefore, to say that it would be an injury to the Church to give the people that power, was to say that the Church did not like the principle of responsibility. To give the power of selling the church-property, also gave a parliamentary sanction to simony.—[" *Oh! Oh!*"]—He wanted to know what was simony? He was aware it was practised every day by a gross evasion of the law; and that was what they were going to do now. On these grounds he (Mr. Roebuck) objected to the Clause proposed, giving the power of selling the Church-property, as taking out of the hands of the people the power of choosing their own teachers; and if any hon. Member would make a proposition which would have the effect of preserving to the parishioners that power, he should have his cordial support, and he was sure also of having the support of the great body of the English nation.

Dr. *Lushington*: The proposition of Government had received such general approbation that he should be unjustifiably trespassing on the time of the House were he to enter into any discussion of its merits generally, or to attempt an answer to the arguments of the hon. and learned Member for Bath. Those arguments had not in the slightest degree convinced him of the impropriety of the Clause, nor had any thing which had been previously urged. As to the opinion which had been expressed by some hon. Members, that the Church of England should give to the people the power of choosing their own ministers, he could only say that the result of all his experience as to the mode of presentations and nominations, as well as of elections, led him to the firm conviction, that it would be injurious to the interests of the Established Church for its Ministers to be elected on the popular principle. He would not detain the House by entering into his reasons for that opinion, except by saying (which was his chief argument in favour of the proposed Clause) that the church patronage, placed in the hands of a large number of persons—such as a Corporation, led to practices, in his opinion, most degrading to the Church and to the candidates themselves. Now, having thus stated his approbation of the proposed Clause, the only question with him was, how it could be most beneficially and effectually carried into execution? He was clearly of opinion that a reasonably long period of time ought to be allowed for the sale of the Church property: that they might not, by compelling a hasty sale, deprive the Corporations of the full benefit of the property; particularly as they were now bringing advowsons into the market at the time when they had fallen greatly in value. In his opinion, it was impossible to place the discretion to be exercised as to the sale in better hands than in those of the Ecclesiastical Commissioners (as recently constituted, consisting both of clergy and laymen) who he considered would be enabled to form a just judgment of the period when the sale should be effected. With a due regard to the interests of the parishioners to whom the different clergymen belonged. With respect to Liverpool, which was very peculiarly situated with regard to its Church-property, he considered it would be advisable to postpone the sale, and to give full opportunity to that town for an appeal to the wisdom and justice of Parliament. He would say a few words on the question, in whose hands the presentations should be placed, supposing any should become vacant before the sale. Some had suggested the Bishop of the Diocese. In objecting to that proposition, he abstained from casting any general censure as to the mode in which the Bishops had exercised their Church-patronage: for though there might be insulated cases deserving of reprobation, yet generally they deserved the Bishops' approbation of the House. He objected on this ground: that the preferments were scattered through the different dioceses, not in any thing like an equal proportion, but were congregated together in one or two districts, as in the case of Bristol, where he believed there would be found not less than twenty—increasing, he might also remark the difficulty of sale—since the advowsons being so contiguous to each other, there would of course be great scarcity of purchasers. Considering, therefore, that probably one half of the advowsons would be vacant before the sale took place, he thought the proposal of his hon. and learned Friend would give to some diocesans an amount of patronage which, for various reasons, it would be unadvisable to confer on them. There was no reason why this patronage might not be vested in the Crown; for this reason, that cases would arise in which individuals would acquire an influence over certain Bishops, as in the case of near relations or connexions, and obtain preferments which it would be improper to confer on them; whereas the Crown, having strength and power to maintain its own resolution, would probably exercise its influence in this respect with more justice and advantage to the public, and on the whole it appeared more advisable to give this patronage to the Crown than to private individuals. One word more as to Lectureships; he certainly had felt that as a difficulty; but as far as his knowledge and experience went, this Clause would answer the purpose till another Bill could be framed; at any rate it was not an insuperable difficulty, and should not prevent his giving a cordial support to a Clause, which proposed a conciliatory, and, he trusted, a successful adjustment of this question.

Colonel *Sibthorp* supported the proposition of the Chancellor of the Exchequer.

Mr. *Borthwick* was in favour of the motion; but the impatience of the House was so strongly manifested that the hon. Gentleman was not audible almost throughout the whole of his speech.

Clause agreed to.

The *Chancellor of the Exchequer* then proposed a proviso, to the effect, that in the case of a vacancy arising before any sale shall have taken place, such vacancy shall be supplied by the Bishop of the diocese.

Mr. *Wilks* was apprehensive that the proviso would increase the patronage of the Bishop, to which he strongly objected. He would suggest that the Ecclesiastical Commissioners should be directed to fix a period within which the sale should take place; and then, if any vacancy should in the meantime occur, he should have no objection to the Bishop making the appointment.

Lord *John Russell* did not believe the proviso would have any such effect as the hon. Gentleman apprehended.

Proviso agreed to.

Lord *John Russell* would next proceed to the Schedules. He did not purpose to object altogether to the Amendment introduced by the Lords; but should propose to take a middle course, between the scale as originally agreed to by the Commons, and that which had been substituted by the Lords. By the scale adopted by the Commons, it was provided, that there should be no town divided into wards unless the population amounted to 12,000; but the Amendment of the Lords commenced with towns having a population of 6,000. His proposition was, that all towns having a population under 9,000 should not be divided into wards. Towns from 9,000 to 14,000 inhabitants should be divided into two wards, with six Aldermen and eighteen Councillors; from 14,000 to 18,000 into three, six Aldermen and eighteen Councillors; from 18,000 to 24,000, into four wards, with eight Aldermen and twenty-four Councillors; from 24,000 to 36,000 into five wards, with ten Aldermen and thirty Councillors; from 36,000 to 48,000 into six wards, with twelve Aldermen and forty-five Councillors. With regard to Bristol and Liverpool, he proposed to adopt a different scale, and to preserve the numbers as fixed by the Lords. He believed it would be found that the scale which he thus proposed to substitute would be found to be more consistent with the general principle of the Bill than the amended scale introduced by the Lords. With respect to the places struck out of the schedule by the Lords, there were only three which he should propose to restore, namely, Alnwick, Yeovil, and Llanelly. The noble Lord concluded by moving that the schedule, as amended by him, should be adopted.

The first schedule, as amended by the noble Lord, was agreed to.

On the second schedule,

Lord *John Russell* moved that the Town of Alnwick, which had been struck out by the Lords, be restored to this schedule.

Mr. *Freshfield* thought, that this was a town which ought never to have been meddled with, and objected to its restoration.

Lord *Howick* contended that it ought to be inserted in the schedule, and therefore supported the restoration.

The Amendment was agreed to, and the town of Alnwick replaced in the schedule. The towns of Yeovill, and Llanelly were also replaced in the schedule as originally sent from the Commons.

The remaining schedules were agreed to.

Lord *John Russell* moved that a Committee be appointed to draw up the reasons to be assigned, in a conference with their Lordships, why this House disapproved of some of the Amendments which their Lordships had made in the Bill.

Committee appointed.

MARRIAGE ACT AMENDMENT.] Mr. Serjeant *Talfourd* moved for leave to bring in a Bill to amend the Marriage Act Amendment Act which had received the Royal Assent on Monday last. The House was aware that the Bill came from the House of Lords with the provision that all marriages celebrated two years before the passing of the Act should be declared valid. That he considered inconsistent with the intentions of this House, in passing the measure; but in the House of Commons it was proposed, not that marriages should be legalised which took place up to the time of the passing of the Act, but those which were solemnized previous to the printing of the Act, which took place on the 10th of July. His proposition was, that the Act should be amended, so as to provide that those marriages should be valid which took place before the 10th of July, the time of the printing of the Act; provided there was no suit at that time pending: and if any suit, so pending had become abated by reason of the death of one of the parties prosecuting, that if they chose to revive it, they might have the opportunity of so doing, placing it in the same situation as before. He considered that if his proposition was not agreed to; but these marriages were made valid up to the time of the passing of the Act, it would be an advertisement to parties fraudulently to marry and keep their marriage conealed up to the very day of the Act, receiving the Royal Assent, when they would publish it, and it would be perfectly legal and valid. That he considered would be a fraud on the Act, and as it never could have been the intention of the framers, of the Act, he had no doubt that the House would grant him leave to bring in his Bill.

Mr. *Warburton* hoped the House would not consent to bringing in this Bill. It was intended to meet a particular case; and he did not consider it just, that a general Bill should be introduced, narrowing the beneficial effect of the Act to all, in order to meet one or two singular cases of fraud and concealment.

Mr. Sergeant *Wilde* supported the motion on the general grounds laid down by his hon. and learned Friend, the Member for Reading. It was true the Bill was not introduced without a knowledge that there was at least one case of fraud:—a case in which the marriage was concealed up to the very day of the passing of the Act; but it was also introduced with the strong conviction that there were other cases of the same description.

Mr. *Ruthven* opposed the bringing in of the Bill on the ground of its being an *ex post facto* law.

Dr. *Nichol* supported the motion. If the Bill when brought in, carried out the principle contemplated by the hon. and learned Gentleman it should have his cordial support.

The *Attorney-General* objected to the Bill on the ground, that the Act having passed, the line was now drawn between the marriages celebrated before and after the passing of it into a law; it would therefore, be the height of injustice again to disturb the decision of Parliament, and though his inclination would lead him, from his friendship and regard for his hon. Friend, the Member who supported the Bill, to give it his consent, yet on the ground of public duty, he felt himself obliged to oppose it.

Mr. *Freshfield* thought, the Bill necessary to remedy cases of individual hardship.

The *Solicitor-General* felt himself bound for the reason stated by his hon. and learned Friend, the Attorney-General, to oppose the motion for bringing in this Bill. There might be a vast number of cases in which marriages of this description had been unavoidably postponed to the day or two before the Act passed, and he could not agree, for the sake of one case of fraud however gross, to do such a flagrant injustice as to render all these marriages without exception void.

Mr. *Hawes* also opposed the motion and protested against a slur being cast upon the character of those persons in their absence, who had contracted marriages of this kind—many of which promised to be most happy.

Mr. Sergeant *Talfourd* replied · stating that his chief reason for advocating the Bill was the supposition that there must have been an error in the Act.

Motion negatived.

HOUSE OF LORDS,

Thursday, September 3, 1835.

MINUTES.] Bills. Read a first time:—Militia Pay; Consolidated Fund.—Read a second time:—Piers (Ireland); Fines and Recoveries; Shannon Navigation; Forgery (Scotland).

Petitions presented. By Lord BROUGHAM, from the Prisoners Confined for Debt in Carlisle Gaol, in favour of the Imprisonment for Debt Bill.

MUSIC AND DANCING.] The Earl of *Glengall* presented a Petition from the proprietors of Covent-garden Theatre, praying for attention to their vested interests, now threatened by the Music and Dancing Bill. They prayed to be heard by Counsel against the Bill.

Lord *Brougham* denied that the petitioners had any exclusive vested rights on this subject. There was no vested rights in a monopoly, unless expressly so recognised by Act of Parliament. The Legislature had acted on this rule with respect to the legislation on the beer question, though it was then said that the vested rights of the brewers ought not to be interfered with, and would be violated if the Bill proposed were to be passed. This Bill would not prevent any man going to the theatre to see the elephants or other animals of any length of ear, or men in the skins of elephants, for such he heard were exhibited on the stage. Men would not refuse to go to the theatre because they could go to an alehouse and have music and dancing. This monopoly was, he repeated, like the monopoly claimed as a vested interest by the brewers; it was an accidental monopoly, not created, as of necessity, by the thing itself; and, therefore, not entitled to be considered as a vested right. There was this difference, too, that in these houses the dancing was not to be by the persons shown, as on the stage of a theatre, but by the persons themselves who formed the company. In his opinion, amusements of this innocent kind ought to be encouraged among the people. We had too little of them in this country. He was sure that noble Lords opposite were of the same opinion, and for himself he declared that he was disposed greatly to favour any measures which would have the effect of withdrawing people from beer and gin shops, and inducing them to seek relaxation of a better kind.

The Earl of *Glengall* suggested that this arguing of the question had better be reserved for the third reading.

Lord *Brougham* observed, that what he had said now might be considered as said upon the third reading, with a view to spare their Lordships' time. He must say, that if Counsel were to be heard upon this Bill, for which he saw no pretence whatever, he feared that at this late period of the Session there was not a chance for the Bill to pass.

The Marquess of *Salisbury* said, that agreeing as he did with the noble and learned Lord, that the innocent recreations of the lower orders of the people should be encouraged, (and he was sorry to say that this was not sufficiently done by our laws, which indeed had too much of a tendency to prevent them), he could not but recollect at the same time what were the rights of others, and in this case he did not think that their Lordships could fairly come to a decision on the Bill without hearing counsel and evidence as to those rights. He wished the noble and learned Lord to consider the motion made, that the Bill be read a third time, and to allow him at once to move as an Amendment, that it be read a third time this day three months.

Lord *Brougham*: the noble Marquess may do as he pleases: I have no power here any more than any one else on this side of the House.

Bill postponed for three months.

TITHES AND THE CHURCH (IRELAND) PETITION: EXPLANATION.] Lord *Lyndhurst,* in presenting a Petition from Ipswich on the subject of the Irish Church Bill, said, that he wished the purport of this petition to be clearly and distinctly understood by their Lordships. That Bill, as their Lordships knew, was directed to the attainment of two objects, and one object which it had in view was the commutation and settlement of tithes in Ireland. It was stated in the course of the debates which had taken place on this subject, and the fact was admitted on all hands, as well by the noble Lords opposite as by the noble Lords who sat on this side of the House, that it was a measure of great and paramount importance, involving, as it did, the security and tranquillity of Ireland. Now, he apprehended that there was no connection between the settlement of the tithe question and the other part of the Bill, which had for its object the sequestration of 860 Irish benefices, and the appropriation of their revenues to other than ecclesiastical purposes. He thought their Lordships would concur with him in saying—indeed, they had already expressed their opinion on the point—that two objects in every way so dissimilar could not properly be embraced in a single measure—that they ought to form the subject in short of two Bills, and not of one. Their Lordships had agreed to all that part of the measure which related to the first of those objects, because they considered it of first rate importance, as every thing connected with the peace and tranquillity of Ireland was; but notwithstanding this, and even though they had assented to so much of the Bill as related to the settlement of tithes, he understood that his Majesty's Ministers did not intend to send down that part of the measure to the other House of Parliament. The reason alleged for this course was, that the Bill in its altered shape would not meet with a favourable reception from the other branch of the Legislature; but he on the contrary was prepared to assert, and that too on the best information, that if his Majesty's Ministers in the other House felt as the noble Lords connected with the Government who sat in their Lordships' House had declared they felt, that such a measure was essential to the security and tranquillity of Ireland that a settlement of the Tithe Question in that country was indispensable, there could be no doubt, if they brought it forward that it would pass in spite of any opposition which might be given to it by a certain party who usually supported them on all other subjects. He felt that the Ministers of the Crown had taken a heavy responsibility upon themselves by pursuing a course which he was justified in saying was not only a grievous misfortune to the country at large, but not at all grateful to the Protestant interests in Ireland, and his reason for making this statement was, that the country might understand the real circumstances of the case, as well as the position in which their Lordships' House stood in respect to this Bill, the whole of the responsibility for refusing to proceed with which, rested not with noble Lords on his side of the House, but wholly and entirely upon the shoulders of his Majesty's Ministers.

Viscount *Melbourne* had already stated to their Lordships that his Majesty's Government had felt it their duty to abandon the Bill, and it would not be necessary for him to take up the time of the House by repeating his statement. He admitted the great importance of effecting some satisfactory adjustment of the tithe question—he admitted the evil consequences which were likely to arise from allowing that question to remain much longer unsettled, but he could not agree with the noble and learned Lord that his Majesty's Ministers would be responsible for these consequences. On the contrary, he must contend that such responsibility would rest not with his Majesty's Ministers, who wished to carry the Bill through Parliament but with the majority of their Lordships' House, who had introduced alterations into it which were not only repugnant to the principle on which it is founded, but which rendered it utterly impossible that it could be entertained by the other House of Parliament. He had hoped that the Tithe Question would have been settled in the present year. The Government had done all in their power to bring about that settlement, but the measure which they had proposed for the purpose had in effect been defeated. Their Lordships had been afforded two opportunities of settling the Tithe Question, and they had twice rejected the measures brought in to accomplish that object. They had opposed the Bill of the last Session, by which a settlement would have been obtained; and what was the consequence of their rejection of that Bill? Why that it became necessary to couple with it other Amendments than those originally proposed for adoption before the question could be settled. They had during the present Session rejected the second opportunity which had been given to them of setting the matter at rest, and when another opportunity would be afforded to them he really did not know. This, however, he must say, that the whole of the responsibility of having left the question open, and whatever the consequences to arise from it to the Church of England and Ireland might be, would rest with the noble Lords opposite—with the majority of that House by whom the Bill was defeated, and not with his Majesty's Government.

Lord *Lyndhurst*: We rejected no Clause in that part of the Bill which related to the settlement of the Tithe Question.

The Duke of *Wellington* should like to know by what process of reasoning those who sat on his side of the House were to be held responsible for the not passing of a Bill over which they had no power? He insisted that whatever the responsibility was, which the abandonment of this measure might incur, that responsibility would rest with those who had the power over it, and might, if they pleased, have passed that portion of it to which their Lordships had given their sanction, and not with any other persons. The noble Lords on the other side of the House contended that the two parts of this Bill were inseparably connected, but this he denied. The first part of the Bill went to provide for the recovery of tithes, while the other part was neither more nor less than an act of spoliation—he meant the confiscation of a number of Church benefices, for the purpose of applying their revenues to secular purposes. He should like to know what possible connexion there was between two such subjects. He could see none. It was true that the noble Lords opposite asserted that they were connected; but they had given no proof from which a connexion could be even inferred. There was nothing but their naked assertion to show the fact. He, on the other hand, was prepared to state that they were not only distinct subjects, but that they should be made the foundation of separate Bills. If the noble Lord at the head of his Majesty's Government meant to bring the two questions before their Lordships fairly he would introduce them in distinct measures, in order that each might be decided upon its merits, and without reference to the other. The Tithe Question had really nothing whatever to do with the Question of Appropriation, and he could not understand why the noble Lord had mixed them together except it was for the purpose of accomplishing the destruction of the Church of Ireland covertly. Having failed in obtaining that purpose, what did the noble Lord do? Why, he accused noble Lords on that side of the House with having rejected a measure which threatened the Protestant Church of Ireland with annihilation. The noble Lord complained that the Tithe Bill of last year had been thrown out by their Lordships; but did not his (the Duke of Wellington's) noble Friend explain last night the grounds on which that measure had been rejected? That Bill was defeated, not because it proposed to convert tithe into a rent-charge, but because it was to remit two-fifths of the incomes of the clergy, and provided that one-fifth of their future incomes should be paid out of the Consolidated Fund. Their Lordships very properly refused to agree to any such proposition, and it was on that ground that he objected to the measure. He voted against the Bill of last year because he felt bound so to vote, and he supported an Amendment to the Bill of this year on the same ground. With respect to the part of the Bill of the present year which he had supported, all he would say now was, that neither he nor those who acted with him could be held responsible for the non-passing of so much of that Bill as had been approved of by them.

The Marquess of *Lansdowne*: My Lords, I should not have addressed any observations to your Lordships, after the complete and satisfactory declarations of my noble Friend, if the noble Duke opposite had not thought fit, in the course of what he has said, to make a declaration which I must distinctly deny—that the Bill recently, and, I must say, unfortunately for the Irish Church, rejected by your Lordships, was presented to Parliament under colour of another object, but with the real object of promoting the destruction of the Church of Ireland. It is easy to make such an assertion, but I as confidently deny it. My Lords, that Bill was, in my opinion, a Bill to save and rescue the Church of Ireland from the state of jeopardy in which it was placed by the vote of your Lordships last year, and that state of jeopardy in which, by the vote of this year, it is now again placed. But the noble Duke, and I suppose also the noble and learned Lord, for I did not hear the whole of what he said, asked if the meaning of the Government was to provide for the collection of tithes for the benefit of the Church, why that had been coupled with a provision distinct from such an object? I will tell your Lordships why—[Lord *Lyndhurst*: I do not ask that question.] I do not know whether the noble and learned Lord has asked that question; I concluded he had from the part of his speech which I did hear. The noble Duke did ask it, and to him I shall apply myself. My Lords, we coupled these two provisions for this plain reason, that by this Bill an immense boon was by the people of England proposed to be granted to the Church of Ireland, and I know not the means by which this great boon could be secured, but by connexion with what was a provision, not for the destruction of the Church of Ireland, no, but a provision for the application of funds not received and used by the Church of Ireland—but of funds inapplicable, vain, useless, abandoned by that Church, inasmuch as none of these funds were applied by it in any quarter, and even they were only proposed to be suspended, not taken away, and I say that the application of these funds to the purposes of the Church was renewable whenever the Church was in a state to use them. The use to which those funds were intended to be applied was the rational consideration—was the proper accompaniment of one of the largest grants ever proposed in Parliament; and what, my Lords, were the advantages which might have been secured, had you thought proper to go into the consideration of the whole of this question, not into one part of it or into another, but to look at it like statesmen, to weigh well the advantages which it would give to the Church of Ireland in the peculiar circumstances in which that Church is now placed? Noble Lords on the other side of the House say that they differ from us; if they do—if they differ from the Government—if they think that a Bill of this nature could be introduced or persevered with in the other House of Parliament, is it not open to any one of them to take up any part of this Bill; and if they think it is possible to carry such a Bill through Parliament, are they not abandoning their duty—are they not abandoning, in their view, the interests of the Church of Ireland, if they do not take it up, and offer it to the other House? Is it not for those who think it possible to attain what I am ready to admit would be an inestimable advantage, the final settlement of the Tithe Question, to attempt it? For myself, I know of nothing but danger and mischief that could accrue from the attempt to throw this Bill in its present state back upon the other House of Parliament, in opposition and defiance to the declared opinion of that House; and I think that the people of England, in making these concessions to the Irish Church, had a right to the abandonment of that which was not useful but useless, and to suspend its application, not for the purpose of destroying the Church, but of removing from that Church a stigma under which it appears to be sinking at this time, and under which, if doomed by this House to remain, it will, I say it with unfeigned and deep regret, I am afraid it will at last sink irretrievably.

The Earl of *Roden* denied that this Bill was a boon to the clergy of Ireland. It was a Bill by which 860 benefices were, at one fell swoop, to be deprived of the means of religious instruction, of being taught the doctrines of Christ. That did not show that the Bill had for its object the establishment or maintenance of the Protestant religion in Ireland, and if he possessed the talent or the eloquence of the noble Marquess, he could show that it must have an exactly opposite effect. It would be folly to hide their eyes from the fact. There was no man that was not really aware that this Bill was only what it had been called elsewhere, an instalment to a party in the other House of Parliament. He believed that to be the fact, and that there was but good reason for saying so. He affirmed that this measure must be attended with the destruction of the Protestant Establishment in Ireland. The noble Duke had rightly stated his view of the subject, when he said that such must be the effect of this

Bill; and he could not understand how noble Lords opposite, if they were anxious, as they said they were, for the settlement of the question, could refuse to carry this part of the Bill. They knew that they could carry it if they chose; but when they told noble Lords on this side of the House to take it up, they knew well enough that no noble Lord could carry through a Bill of this sort. He repeated, that this Bill had for its object, not by the noble Lords opposite, but by those who supported them, the destruction of the Church of Ireland.

The Earl of *Wicklow* denied that the Bill was a boon to the clergy of Ireland, but was a grant made for the clergy in consequence of the interference of the Government in preventing them from the collection of tithes. The clergy, if they had received the aid which the Government were bound to afford, would not have required this grant. But the grant was made because the Government said, that the tithes should not be collected. It was gross injustice to call it a boon to the clergy. It was easy for the noble Marquess to say, let noble Lords on this side of the House take up the Bill, but he asserted, that it was the duty of the Government to carry through its own Bills. He understood why the provision which accompanied the Bill had been introduced. It was well known that the noble Vi count, when he took the reins of Government, stated that he was pledged to that principle, so that he (Lord Wicklow) was not surprised when this Bill came into this House, that it should have that provision in it; but surely when the noble Viscount had fulfilled his pledge, when he had introduced this Bill in this manner, when he had advocated this principle in this House, and found that though the principle was adopted by a small majority in the other House of Parliament, it was one which neither of the other branches of the Legislature would tolerate—finding it impossible to continue this provision in the Bill, he might feel it his duty to recommend the Bill in its present state to his friends in the other House of Parliament, and with their support, of which he was sure, and with the support of those who had in that House voted against this provision, he might pass the Bill at once, and make it the law of the land. The noble and learned Lord, therefore, had been justified in asserting that the responsibility of the lamentable state in which the Church was now left was with the Government.

Lord *Brougham*: If your Lordships are, I was going to say excited, but I will say moved by the situation in which you now are, I am sorry for you: I am sorry for the painful feelings you must now experience. But it is not my fault, for just before the division I took leave to state, to lay before you rather, fully, the inevitable consequences of coming to that vote which you appeared to me bent upon coming to. I spoke strongly then, for I felt strongly. I feel strongly for you now; if you had only felt as you now feel, at the right time, before you did the deed, like some other persons in the same situation, you might have avoided it. After doing the deed, persons in this situation are apt to throw blame upon others. By such means they try to appease their consciences, to quell the remonstrances of their bitter feelings against their past misconduct. The attempt never succeeds. The noble Lords recommend his Majesty's Ministers to carry the Bill in its present state to the House of Commons, and to pass it there. It could not be done. The noble Earl opposite says, as in an answer to the unanswerable statement of the noble Marquess, and to the question, "Why don't you take up the Bill?" he says, "Oh, we cannot, but you ought; it is the duty of a Government to carry through its own measures." My Lords, no man can more fully assent to that proposition than I do, it has my plenary concurrence. It is the duty of any man, and still more of any Government, to carry through measures that are measures of their own. But they are not to carry through measures of other people—measures which they diapprove of—of which they have distinctly stated their disapproval in every stage—of which they gave notice of their disapproval, and of their intention to act on that disapproval; for not only I, as an individual, but my noble Friends near me, and the noble Viscount in particular, gave you full notice on the subject; he rose, as I thought, needlessly, just as you were going to divide, to declare that if you came to the vote which he then foresaw, he would not go on with the Bill. But suppose he were to go on with the Bill—not his own but your measure, a thing changed in the nursing, mutilated, imperfect, as some would say a bad measure, taking from one party and not giving to the other—suppose he were to go on with it, does any man pretend to say, who has read the Bill, and seen the clauses which you have cut out, does any such man pretend to say that the House which passed the Resolution pledging itself to carry both parts at once, and not to separate them, would not at once throw it out? This is matter of substance, but then comes matter of form—for these clauses were money clauses, and if all the House were for it in its present shape, it could not for matter of form be agreed to. It is a most painful thing, my Lords, for the clergy of Ireland. I am glad to hear that the evil is to be mitigated—that it is an act of fitness, and I will further say, of propriety, towards the poor clergy of Ireland, who are now suffering for the faults of others in the rejection of the measure.

Lord *Farnham* said, that the House was most grateful for the warning of the noble and learned Lord, whether it was meant in kindness or in censure; but the noble Lords seemed to think that noble Lords who did not sit on his side of the House, were in a state of penitence for what they had done. He should have been in a state of penitence if he had not pursued the line of conduct now condemned; and if noble Lords had, for the sake of compromise with the interests of the existing clergy, given their support to a principle of confiscation—had they done so, they would have deserved the reprobation of the country. He knew that the Bill had been framed on a Resolution of that House of Commons. With all deference to that House, he said that the whole difficulty of the situation arose from that resolution. He admitted that with consistency to themselves, the existing House of Commons must insist on the adoption of that Resolution. That was the folly—he might say the wickedness of the thing. It was that mischievous Resolution of the House of Commons which had put an amicable settlement of the matter out of the question; for none of their Lordships who had given a positive opinion against that resolution could ever concur with it, and therefore an insurmountable obstacle had been raised in the way of an amicable settlement. But whose fault was that? It was the fault of those who, though not in the Ministry at the time, had proposed the Resolution; he would not say for the purpose, but all the world saw with the probability, by carrying it, of ousting the other party. He agreed, that as long as that Resolution remained on the Journals of the House of Commons, he did not see the least prospect of an amicable settlement.

Lord *Hatherton* said, that the noble Earl who had just sat down had fairly stated the case. The Resolution referred to had been respected by the late Government. Why, then, should noble Lords complain that the present Government should respect it too? The noble Duke had said, that he believed that the design of those who introduced the measure was the destruction of the Church of Ireland. He was sure that the noble Duke could entertain no such opinion. If he shared that opinion, attached as he was to the doctrine and discipline of the Church of England, no consideration on earth could have induced him to support that measure; but the more he considered the Question, the more he was impressed with the conviction, that the sinecures of the Establishment were the weak points to the defence of the Establishment through which the enemy at any time might enter and call the Establishment in question on grounds the most unfavourable to it. He sympathized with the sufferings of that class whom the rejection of this measure would affect. Their respectability and piety were equal to those of our own clergy; but he denied that any part of their sufferings was to be attributed to the Government with which he had been connected, or to the present Government. The working clergy of Ireland bitterly regretted the rejection of this Bill; but they were more under the influence of their Bishops than our own clergy, and great efforts had been made by their diocesans to procure from them remonstrances against the Bill. He knew that their feelings were in favour of it, and were different from what were represented by the Irish Bishops in this House. Their feelings were not opposed to the arrangements proposed this Session; for he was in possession of documents which, if he had known of this discussion, he would have brought down, and which showed what he stated to be true. Their Lordships had had the opportunity of settling the Tithe Question last year. It was then told them, that if they rejected that, the measure of the following year would be one of a different kind. They did reject it, and had done so again this year. Next year another measure, with worse conditions, might be presented, and it would come with an increased feeling among the people of England, that the conditions ought to be accepted, and with an increased desuetude of the payment of tithes, which was deeply to be regretted, but which was their Lordships' own work; and it would come, too, with the remonstrances of the working clergy of Ireland, who would then shake themselves free from the authority which their diocesans had hitherto exercised over them, by which they had been controlled, and their Lordships misled. He believed that the measure of next year would not be modified, as their Lordships wished it, by the delay.

The Earl of *Winchilsea* professed the same attachment to the Church of England as the noble Lord, although certainly he would manifest it in a very different way. He would not show his attachment by sanctioning the atrocious confiscation and sacrilegious appropriation of the revenues of the Church. He did not mean to place his knowledge of Ireland in competition with that of the noble Lord—though he had some slight knowledge of that country by communications both from the gentry and the clergy; and the information which he had received led him to deny the assertion of the noble Lord, that any considerable body of the Irish clergy were in favour of a proposition, the object of which was the confiscation of the property of the Church and its sacrilegious appropriation to purposes for which it was never intended. The manner in which the clergy of Ireland had been treated had excited a feeling of reprobation through every part of this country. It was an act of gross cruelty to them to mix up two measures that were perfectly distinct. The destruction of the Church of Ireland, in detail, was meditated, and the first blow was that of sequestrating 860 parishes at one time.

Lord *Fitzgerald* said, without meaning to doubt the opportunity which the noble Lord (Lord Hatherton) had had for acquiring information relative to the Church of Ireland, still he must, for himself, lay claim to at least as intimate a knowledge on the subject as the noble Lord could have gathered in the course of his few weeks' residence in that country. When the noble Lord asserted that he had received communications from clergymen declaring that their opinions were controlled, and that they had been influenced to make false representations, he could state to the House that the information of the noble Lord was as new and as unexpected to him as it was irreconcileable with the sentiments which he had heard expressed by some clergymen, and in which he had reason to believe the great body of the clergy of Ireland participated. He joined with the noble Lord in bearing testimony to the merits of that excellent body of men, and he sympathized with him in the expressions that he had used with respect to their misfortunes and sorrows. But, as to their opinions, to their hopes, and to their fears, he would refer their Lordships to the numerous petitions which they had caused to be presented to the House. They there implored their Lordships, that, however great might be their sufferings, however severe their privations, however large the personal sacrifice they might be compelled to make, not, on their account, or for their sakes, to lose sight of the Church of Christ in Ireland. They implored their Lordships not to consent to any measure of confiscation or spoliation—not to set a precedent of revolutionary innovation—not to overthrow that which as Members of the Protestant religion they were bound to protect—not to destroy that Church and that Establishment of which they were the ministers. It was due to the working clergy to say this; it was also due to the dignitaries of that Church, with whom the working clergy wished to be united, with whom they desired to stand or fall. He owed it to truth and to justice to state this in their behalf, and to express his belief that they did not wish to see a settlement of this question, by the junction of measures that had no necessary connexion—a junction which was agreed to as a compromise between political parties in the state, and not with any reference to the interests of the Church.

Lord *Plunkett* was never more surprised than at the noble Lord's speech, after such an exordium as he had delivered. He must suppose that the noble Lord had not contemplated, but had been betrayed rather into the observations he had made; for the noble Lord had indulged, in the course of his argument, in a series of expressions such as their Lordships, and he should think, also, the public, would much prefer to see altogether avoided. He did not seek to bring back the debate of some nights ago, and to put in the question of the Appropriation Clause, but he must say that it appeared as if the noble Lord had availed himself of this extraordinary occasion to give vent to some dissatisfaction he might have felt that the ascendency of his talents in this House, as exercised upon the Bill relating to the Irish Church and the Municipal Corporations' Bill, was not likely to realize such triumphant results as he had at first calculated upon. The noble Lord had charged views of destruction and an intention to spoliate the Protestant Church in Ireland against those who differed from him in their views of this great question. He begged pardon, such an intention had been directly charged by the noble Duke (Duke of Wellington); contrary to the spirit which usually characterized the tenour of his observations, that noble Duke did last night state that the object of his Majesty's Government in bringing forward this measure was to destroy the Protestant religion. Now that was a bold assertion. He was not one of the Government, but as an individual connected with it, he must now throw back, with every degree of indignation, the charge that he was concerned in any measure for the destruction of the Protestant Church. What would the noble Lords on the other side feel if he were to say that the Opposition was influenced solely by a desire to turn out the government, that they might take their places, and that there throwing out of the various measures which they had rejected originated in a factious purpose? He must think that he should not be justified in making such an assertion; and surely the same justice which noble lords would call upon them to pay they were entitled to receive. He declared solemnly and conscientiously—and he trusted they had consciences on both sides of the House —that in giving his assent to the Appropriation Clause, he felt he was doing that which, under all the circumstances in which the unfortunate Church of Ireland was placed, was not only the best thing that could be done to provide for the Ministers of the Church, but also for giving stability to the Establishment. With respect to the clergy of Ireland, he would not pretend to say that his knowledge was as accurate or as extensive as his noble Friend's, but he was unquestionably not a total stranger to the opinions of that respectable body. He had conversed with many of them, and he had learned from others the sentiments which were supposed to be entertained by the body at large. Such being the amount of his information, he would declare that he never met with one who did not express his regret at the rejection of the measure of last Session. [A *Noble Lord*. It did not contain the Appropriation Clause]. He would speak to that also. To be sure the measure of last Session did not contain an Appropriation Clause, and yet their Lordships rejected it. That was no act of sacrilege; that was no act of spoliation. It might have been brought forward under circumstances which made it objectionable to particular classes, but it contained no insuperable barrier to conscientious men adopting it, and he solemnly declared that he had heard many speak on the subject, and never one who did not lament the rejection of the measure. He would not pretend that he had the same degree of knowledge of the opinions of the clergy on the subject of the principle of appropriation; but if he spoke his belief, he would say that a great majority was in its favour. He did not deny that their judgments might be somewhat warped by the misery to which they were subject; but in supposing this possible, he must not be taken to imagine that any one of them would consent to sacrifice, for this worldly advantage, what the noble Lord had described as the "Church of Christ." He begged to add, that he knew the most extraordinary means had been used to procure petitions from the clergy against the Appropriation Clause, and he knew instances in which they had totally failed. The clergy were, no doubt, a body of men having the feelings of gentlemen; but they were necessarily in the situation in which they were placed considerably under the influence of their diocesan. He should be sorry to state it, if he did not believe it—but he would say that, in his opinion, in most of the cases in which petitions had been got up against the measure, they were procured by the influence and exertions of their superiors.

Lord *Lyndhurst* said, what connexion there could be between the Irish Church Bill and the Municipal Corporations' Bill he could not see, though his learned Friend had brought them together in his speech. To be sure they were both measures of spoliation, and as his learned Friend supported the one, he was not surprised to find him supporting the other. He hoped his learned Friend would give him leave to say, as a Member of this House, and he believed he was speaking the opinion of the whole country, that he would never consent that the revenues of the Church of Ireland should be plundered for the purpose of inculcating the tenets of the Catholic Church.

Petition to lie on the Table.

CORPORATION REFORM—CONFERENCE BETWEEN THE TWO HOUSES.] Lord John Russell and other Members of the House of Commons appeared at the Bar, to desire a Conference with their Lordships, on the subject matter of the Amendments they had made in an Act to provide for the regulation of Municipal Corporations in England and Wales.

Viscount. Melbourne moved that their Lordships should hold a present conference.

Motion agreed to.

Lord *Denman* (the Speaker) informed the Members of the House of Commons that their Lordships had agreed to the Conference desired, and appointed it to be held presently, in their Committee-room, No. 5.

The Commons withdrew.

Lord Lyndhurst and the Duke of Wellington desired to be excused attending at the Conference, and on the Motion of Viscount Melbourne, the following noble Lords were appointed to conduct the Conference on behalf of their Lordships:—The Lord President of the Council, the Lord Privy Seal, the Duke of Richmond, the Earl of Shaftesbury, the Bishop of Bristol, Lord Auckland, Viscount Melbourne, and Lord Hatherton.

On their Lordships' return, bringing with them the Amendments, and the reasons assigned by the Commons, the reasons and the Amendments were read at the Table; and on the Motion of the Marquess of Lansdowne, were ordered to be printed, and taken into consideration the next day.

LAW OF MARRIAGE.] Lord *Brougham* presented a Bill to amend the laws of Marriage, Legitimacy, and Divorce. Circumstances had occasioned him to delay the measure. When he formerly mentioned the subject, a cause of great importance (Warrender *v.* Warrender) was pending, and until judgement were given, there was a manifest inconvenience in legislating on the subject; for any discussion of the subject among those in their legislative capacity, who were in the exercise of their judicial functions, had to pronounce upon the appeal would have been objectionable. The case was disposed of yesterday, and the Bill he presented would, if passed into a law, apply an appropriate remedy to the evils arising from the present state of the law on this subject. It was to be lamented, however, that the period of the Session rendered it impossible to proceed further than reading the Bill a first time, printing it, and leaving it for discussion hereafter. It was, at the same time, his duty to state shortly the principles upon which the measure was framed. Their Lordships were aware, generally, of the diversities between the English and Scotch law relating to marriage and divorce, and of the mischievous consequences which resulted. By the law of England, no marriage was valid unless solemnized according to the provisions of the Marriage Act. By the Scotch law, any parties of the legal age—fourteen and twelve respectively—might contract a valid marriage by declaring their consent *per verba de presenti*, or by promising to intermarry, and then cohabiting; and such present consent, or promise with subsequent cohabitation, being proved by legal evidence, all the Scotch Courts allowed them to be conclusive of the matrimonial contract having been completed. This state of the law had often been lamented by those who considered it mischievous and grossly inconsistent, that the same party who, until he attained the age of twenty-one, was incapable of affecting in any manner the most inconsiderable portion of his landed property, or binding himself in almost any way, should be suffered, by an improvident marriage hastily contracted, to incur the most important of all obligations, transmitting to the issue of a designing, and possibly a profligate woman, the inheritance of the highest honours and the most ample possessions. On the Scotch law, however, he did not ask their Lordships to make any change. Neither would he stop to examine its consequences, further than to observe, that a law to one kind of society, might in another be mischievous;

while the manners of a community might become adapted even to a bad law; so that it would not be right to condemn the Scotch Marriage-law merely because it would be wholly inapplicable to the other part of the empire. The Scotch were attached to this branch of their jurisprudence; and he was not going to meddle with it. But it was quite another thing to permit the difference which existed between the Marriage-law of the two countries, to open a door for the evasion of the Marriage-law of England. Whoever holds that the English law was right, and the Scotch law right for the two countries respectively, must admit that it was wrong to permit the one law to be made the means of committing frauds upon the other, so as to make the provisions of one law a nullity. Even he who regarded the English law as bad for England, must desire that it should be altered by the Legislature for the benefit of all, instead of being allowed to bind only those who could not afford to evade it. A minor could not marry in England without the consent of his parent or guardian, or giving sufficient notice to them, by the publication of bans; but he had only to go to Scotland, and he could be married the instant he crossed the border. Suppose, for argument's sake, the English law were ever so bad, this was not the right way of changing it; for the evasion of its provisions can only be easily made by persons who lived near the border, or were in easy circumstances if they lived at a distance from Scotland. The evasion, therefore, could only be partial; and if the law were bad, the largest number of the people must still be subject to its provisions. He would, however, not be understood to doubt that the fundamental principle of the English law was a sound one, whatever might be said of the means by which it was carried into effect. Some control upon the improvident marriages of boys and girls was essential to the well-being of society. The control which the law of England intended to maintain, failed in consequence of the Scotch law not giving a similar control; and it failed in the very cases where it was most wanted,—where wealth and weakness on the one hand, and needy rapacity on the other, were most likely to produce mischief. The first branch of the measure he had to lay on their Lordships' Table, was directed to remedy this great evil. Ever since the celebrated cases of Crompton *v.* Bearcroft before the Delegates, and Ilderton *v.* Ilderton in the Common Pleas, the English Courts—contrary to Lord Mansfield's opinion—had recognised the validity of marriages contracted in Scotland, by parties going thither for a momentary residence, with the express purpose of escaping the provisions of the English law. He did not propose to alter that, but he wished to put those who went to Scotland with such a view, and their parents and guardians, as nearly as possible, in the situation in which they would have been had they remained in England. It might be required that they should reside for a certain time in Scotland, before they could contract a valid marriage. To publish bans a fortnight at least was necessary; and he should fix upon three weeks as the time of residence before the parties could legally contract marriage. That would afford sufficient opportunity of pursuit and search. Their Lordships would observe, that this would give a better notice in some respects than the bans, for the flight would be at once known; whereas the bans might be published in a parish remote from the residence of the parent or guardian, and no one know of it. Upon the whole, this provision might be considered as placing the parties to a runaway marriage, upon nearly the same footing as they would be were they to remain in England. The first provision of the Bill was, that no marriage contracted in Scotland, should be valid either in Scotland or England, unless both parties were Scotch by birth, or generally domiciled in Scotland, or lived there for three weeks next preceding the marriage; so that the law would remain as at present, with respect to all marriages really and *bona fide* Scotch, and would only be changed so as to prevent, by English parties, a fraudulent evasion of the English law. No Scotch person, nor any person whether Scotch or not, residing generally in Scotland, or even temporarily in Scotland, would be affected by the change. Those only would be affected who went thither for the purpose of evading the laws of England, and even to them the old Scotch law of marriage would be applicable, after a residence of three weeks. Upon the same principle of not meddling with the Scotch law, as to *bona fide* proceedings, and only altering to prevent fraudulent evasions of the English law, the second branch of his measure was framed. The law of the two countries differed more respecting divorce, than respecting marriage. In England, the contract was indissoluble; by no proceeding in any Court scould divorce *à vinculo matrimonii* be decreed. If persons were lawfully married, adultery, desertion, or anything else supervening, was no ground for dissolving the marriage; the only proceeding known to the law, in such cases, was divorce *à mensa et thoro*; and hence a new law must, in each case, be made to divorce parties on the ground of adultery. In Scotland such divorces were part of the law, and were decreed by the Courts—formerly by the Commissary or Consistorial Court, now by the Court of Session, to which the jurisdiction had been transferred. In consequence of this state of the Scotch law, parties resorted to Scotland with a view to procure a dissolution of a marriage, just as they went thither with a view to the celebration of marriage, the law in England not allowing either. He proposed to frame upon those principles a provision similar to the one for preventing frauds upon the Marriage Act in order to prevent frauds upon the law of divorce. This was more necessary than even the former branch of the Bill, because there was a direct conflict between the law of the two countries respecting divorce. Parties married in Scotland, who could not marry in England without consent, contracted a marriage valid in both countries. Parties divorced in Scotland, were recognized by the Scotch law, as single persons, and might marry again in that country; but in England they were held by the decisions of the Courts (never yet affirmed by their Lordships) to be still married. Their Lordships upon the general question had never given a solemn judgment; nor had it ever been determined, when an English marriage had been dissolved in Scotland, and the parties had contracted other marriages in Scotland, those marriages were void in England, although it was decided by all the Judges in Lolly's case, that a subsequent marriage, contracted in England, was void, and the party contracting it, guilty of felony. The conflict between the two laws on this point, affecting questions of legitimacy, was productive of serious evil; and the provision of his Bill to which he was adverting, would put an end to it, without altering the Scotch law in cases of *bona fide* Scotch divorces. The law of England might be bad, but the Legislature ought not to allow individuals to evade it by having recourse to the law of Scotland. The second branch of the Bill, provided therefore, that no sentence of the Scotch Court should dissolve any marriage not contracted in Scotland, unless the husband be a Scotchman, or usually residing in Scotland; or unless both husband and wife shall have resided in Scotland for a year next preceding the commencement of the suit instituted to obtain the divorce. This alteration, like the former, would affect no Scotch person, nor any other person, whether Scotch or not, residing generally in Scotland, nor even any person, whether Scotch or not, who resided temporarily in Scotland. It would only affect those who went to Scotland for the purpose of evading the laws of England, and even they would receive the protection of the Scotch law of divorce, after a year's residence. There might be some doubt whether or not a longer period ought to be fixed; but he was inclined to think, upon the whole, that a year was sufficient; for they must take care while they interposed obstacles to parties acquiring a temporary domicile with a fraudulent design, that they did not obstruct the remedy which the Scotch law should, according to its established principles, provide in all cases of *bona fide* residence. Forty days now gave a domicile sufficient to confer jurisdiction of divorce on the Court, and that period was inadequate to prevent the evasion. A year would prove sufficient; but thatpoint might be the subject of after-consideration. There might also be a provision extending to all marriages, contracted as well in foreign countries as in England. Certainly he was inclined to make the law general, but upon that point he had not formed a settled opinion. The third branch of the measure referred to the legitimacy of children which of course depended upon the validity of the marriage of their parents, or upon the relation as to time between their birth and that marriage. According to the law at present, a child might be held legitimate in Scotland and bastard in England, if he were the issue of a marriage contracted in England by a party divorced in Scotland, from the ties of a prior English marriage. That had never been decided, but the Scotch Courts had questioned Lolly's case in its application to Scotland; and they might deem the issue of such a marriage legitimate in Scotland. He was at least quite certain that they would hold the issue of such a second marriage legitimate in Scotland, if it were contracted in Scotland; and equally certain that they would be in the right. In England such issue might be held bastard; because, though the question had never arisen, the opinion of lawyers inclined that way. That could not however be stated as certain; though on such a momentous subject as the validity of marriages, and the legitimacy of children, no doubt should be suffered. The different laws which made a person legitimate in one country, and bastard, or of doubtful legitimacy in the other, was pregnant with evil; and it would be remedied in future by the second branch of the Bill, already explained. No divorce could be valid in Scotland which would not also be valid in England. But as to past divorces, and the validity of the marriage had after such divorces the doubts would still exist. He proposed, therefore, after the example of the Marriage Act of 1822, and the Marriage Act of the present Session, to provide, by a Clause declaratory as well as enacting, that all marriages and all divorces in Scotland, whether already had, or hereafter to be had, should be valid also in the other dominions of the Crown. There was still another conflict between the laws of the two countries remaining to be provided for. By the Scotch Law, marriage subsequent to the birth of a child legitimated that child, provided the parents could have intermarried prior to the birth. This principle of the civil law, was propounded by the Prelates to the Barons at the Parliament of Merton, and they refused to change the law of England in the words so often quoted,—and not seldom, give me leave to say,—with a view to prevent many a rational improvement. The child born in England before the marriage of its parents is therefore illegitimate; and the ante-nuptial child born in Scotland might be held illegitimate in questions touching English rights. In a case under the consideration of their Lordships, by writ of error, the Judges have held, that such a child was bastard in England when he claimed a real state; while the same child had been held legitimate in Scotland, and had taken real estates as the heir to his father. Such a conflict must be put an end to at once, and all children hereafter born in Scotland, legitimate by the Scotch law, should be legitimate in other parts of the King's dominions. The Bill was on this point made declaratory as well as enacting, the law being doubtful; and it was also made retrospective as regarded children born; but not retrospective as regarded pending suits, and a Clause would, at least, be introduced to save these. He had further to state, that a provision of considerable importance was contained in the measure, with a view of facilitating the proof of Scotch marriages and preventing doubts as to the requisite period of residence having elapsed before the contract. The sheriff of the county in which any marriage shall be contracted (he being the judge ordinary of the district) was authorized to certify, after having duly satisfied himself, that the parties were married, and did reside in Scotland during the time required by law; and his certificate being entered by the Sheriff-clerk in a book to be kept for the purpose, an office copy of such entry was made conclusive evidence of the validity of the marriage in all Courts within the dominions of the Crown. He knew that in Scotland, the state of the registry—if indeed, any registry existed, was such as would give a great advantage to those who had their marriages recorded by the Sheriff. The noble Lord concluded by earnestly requesting their Lordships' attention to the Bill during the recess.

The Earl of *Aberdeen* said, that as far as he understood the measure of the noble and learned Lord, he approved of the principle on which it was grounded.

Lord *Lyndhurst* expressed his sincere thanks to his noble and learned Friend for having brought forward a mea ure on this subject.

Bill read a first time, and to be printed.

IMPRISONMENT FOR DEBT—EXPLANATION.] Lord *Brougham*, in presenting a Petition from the debtors confined in Dublin gaol, in favour of the Imprisonment for Debt Bill, stated that he was anxious to correct an erroneous impression which had gone abroad in consequence of what had fallen from a noble Lord last night. That noble Lord was understood to have said, that several important measures had been postponed for the Session at his suggestion. Now, he had not proposed to postpone any measures; but had consented to do so at the request of his noble and learned Friend, who objected to their being proceeded with at such a late period of the Session. If the House of Lords were to continue to exist as an independent body, it must have time to consider the measures sent up from the other House before it passed them. So far from his proposing the postponement of these measures, he had said that he was willing to sit for a month longer for the purpose of getting through them.

Lord *Fitzgerald and Vesey* observed, that all that he meant to say last night was, that important measures had been postponed in consequence of the lateness of the Session, at the request of noble Lords opposite, as well as at the desire of those on his side the House. The wish to postpone these measures, did not altogether arise on one side of the House.

Lord *Lyndhurst* stated, that it was utterly impossible to proceed with the Imprisonment for Debt Bill at such a late period of the Session. He had not stated that he was opposed to it, but had requested that it should be postponed, that sufficient time might be given to it, as it involved the most important alteration in the law.

Lord *Brougham* was perfectly aware that that Bill could not be proceeded with at this late period of the Session. Indeed, the learned Gentleman who drew the Bill had admitted to him, that it was impossible to go on with it in that House at that time if any thing like a full consideration was to be given to it.

Lord *Lyndhurst* remarked, that the most extraordinary observations had been made by the Attorney-General, according to the report, respecting the delay of this measure. Any person making such remarks could hardly be supposed to possess common sense; and it must therefore be supposed that some misapprehension had taken place on the part of the reporters, who had put words into the learned Gentleman's mouth.

Petition laid on the Table.

WORKHOUSES.—OPERATION OF THE NEW POOR LAW.] The Marquess of *Lansdowne*, in moving the second reading of this Bill, stated that its object was to facilitate the means of building workhouses for unions of parishes. He could not let the opportunity pass without communicating to the House the gratifying fact that the measure of last year for the reform of the Poor-laws had been entirely successful so far as it had been carried into effect. The progress made by the Commissioners in the union of parishes, and in promoting improvements in the administration of the Poor-laws, exceeded the most sanguine expectations of the most earnest and zealous friends of the Bill of last year. No less than 2,066 parishes had been united, making altogether 112 unions. The whole of some counties had been brought under the operation of the Bill. For instance, the whole of the 275 parishes in Hampshire had been formed into twenty-one unions. In Berks, the parishes had been formed into eleven unions. The 185 parishes in Oxfordshire had been formed into five unions. Again, all the parishes in Buckinghamshire, Hertfordshire, and other counties had been formed into unions. This had been done with the full approbation and consent of the great portion of the persons residing in those counties. Notwithstanding the prejudices which existed as to the evils which would result from these unions of parishes, the system now met with the approbation of all classes of the inhabitants of the counties, the magistrates, the gentry, the farmers, and other rate-payers, and in many instances the poor themselves expressed the greatest satisfaction at the change that had taken place. The adoption of the new system had led to the most material economy in the administration of the Poor-laws. On referring to the reduction in the poor-rates that had taken place in these unions, he found that on the average in the nineteen first unions, which were chiefly made before the end of last year, the saving amounted to between one-half and one-third of the expenditure of the corresponding time of the former year. In almost all the cases in which the unions had been formed, the food supplied to the workhouses was superior in quality to that formerly sent to those places, and at the same time it cost much less to the parishes. The poor were much better off, and the expense to the parishes was considerably less than it had before been. Through the agency of the New Poor-law Act, the poor had been encouraged to migrate from parts of the country where there was a superabundance of labour to those places where there was a demand for it. Thus great numbers of labourers had been removed, with their own consent, from the agricultural districts to the manufacturing parts of the country. In Buckinghamshire there was some manifestation of dislike on the part of some labourers, on its being proposed to them to be sent to Lancashire. Some, however, did proceed thither; and such was their satisfaction, that they induced many who were a burden to the parishes in which they resided to remove to the same districts, where they obtained constant work in the manufactories. He could not conclude his observations without alluding to the material assistance rendered in carrying this Bill into effect by the magistracy, who, in numerous instances, had become Guardians of the Poor, and had exerted themselves most beneficially in aiding the Commissioners.

Lord *Brougham* was a more competent witness than even the Poor-law Commissioners as to the improvement that had taken place in the condition of those persons who received maintenance from those parishes in Buckinghamshire, and who had been removed into the manufacturing districts. When he was recently in Lancashire, he went out of his way several miles on purpose to examine into the condition of those people employed as manufacturers, and who were formerly agricultural labourers. He visited the manufactories where they were employed; he went into several of the cottages, and saw those persons and their families, and examined them as to their condition; and he had no hesitation in saying that he never saw people more comfortable, or more entirely content with their situation, or more satisfied with the change which had taken place in their being brought from their former residences to their then abodes. They all expressed a determination not to go back to the places they formerly lived in. They all were in the receipt of good wages, which were likely to be increased instead of being diminished.

The Duke of *Richmond* was one of those who had looked with considerable apprehensions to the Poor-law Bill; but really the conduct of the Commissioners was such, they had carried it into operation so gradually, and with so much discretion, that he thought they well deserved the thanks of the country. He thought it a great hardship that the tenantry should be bound to pay the money borrowed by the parishes under this Act within so short a period as ten years, and he hoped the Government would take an early opportunity of remedying that evil.

Bill read a second time.

HOUSE OF COMMONS,

Thursday, September 3, 1835.

MINUTES.] Bill. Read a third time:—Militia Pay.

Petitions presented. By Mr. HUME, from Perth, against the Bankrupts' Estates' (Scotland) Bill; from Glenelg, in favour of the Church of Scotland; from South Shields, for the Repeal of the Stamp Duties on Newspapers.—By an HON. MEMBER, from the Clergy of South Shields, against the Church of Ireland Bill.—By Mr. WILBRAHAM, from Stockport, against the Lords' Amendments to the Municipal Corporations' Bill.—By Mr. CALLAGHAN, from Cork, for reducing the Timber Duties.

TIMBER DUTIES.] Mr. *Robinson* presented Petitions from Montreal, and from persons in the City of London engaged in the Timber Trade, against any alteration of the Timber Duties. He said that the Timber Trade was almost the only trade enjoyed by Canada with the mother country, and that, therefore, the petitioners in Montreal and elsewhere had viewed with alarm propositions founded on the views of political economists to alter duties. They were also in favour of a measure that would check emigration—a check which he deemed by no means desirable. As to the alterations in the duties, the prospects in many cases with which they had been made had not been realised. Here, as upon the wine duties, the liberal system had failed. When Lord Althorpe proposed the alteration of the wine duties, he declared that they would not produce the calculated benefits; the result justified his observation, for from that period France had not taken the slightest notice of our reduction of duties. Therefore had there been not only decided loss to the revenue, but grievous injury to individuals who had embarked their capital in the particular trade. The same would be found to be the case as regarded the changes of the timber duties. He would not enter upon the remarks that he might otherwise have made, had the President of the Board of Trade been present; but as the change on the timber duties had been founded on the recommendations of a Committee, he trusted that before anything were done on the timber duties, the evidence might be allowed to be in the hands of Members. Not that he placed much value in the evidence received. Indeed, he could not but think that Committees on trade, commerce, &c., were mere farces, because they were always appointed by the Government of the day, and re-echoed their sentiments. He was sure that if any Member would examine the evidence given on this Question, he would see that it was in favour of the present scale of duties. He hoped that the House would not be led away by the vague theories of political economists on this important subject.

Mr. *Villiers* said, that the people would set down the observations just made as mere vague declamation. Not one proof had been adduced. The petitioners and the hon. Member sought to perpetuate what he must deem a most mischievous system, and a most unjust tax. From the way in which the hon. Gentleman constantly talked about free trade and reciprocity, it was evident, that he knew not what he spoke about. He was not aware of the principles on which free trade and reciprocity duties were defended. It was a defensive principle that the people should be allowed to get, and ought to get, the products of their own and other countries as cheap as possible. As to other countries not following our example, if the duites were put on a proper footing of reciprocity, he apprehended that other countries would soon find it to their interest to follow our example.

Dr. *Bowring* defended the principle of free trade and reciprocity duties, contending that the people ought to be allowed to find the best articles on the cheapest terms; and the application of that principle would be best calculated to effect the development of the greatest freedom of and improvement in trade.

Sir *Frederick Trench* rose to request that his Majesty's Ministers would not take advantage of the interval between this and the meeting of Parliament, to begin, or to lay the foundation of any proceeding founded upon the resolutions of the Committee upon the timber duties, until that House should have had an opportunity of fully discussing them. He was obliged, by the desire of his constituents, to take this course, although he feared it might be interpreted into a suspicion of unfairness, which personally he did not entertain.

Mr. *Warburton* said, the protection at present given to the ship-owners and others in that class of the community, was to an outrageous extent, and it was too much that those parties should still wish it to be perpetuated. What was really the proposition? In 1823, when the former Committee sat, the proposition was this—that whatever difference there was in freight between bringing timber from the Baltic and from Canada, to that extent they should give the Canadas protection. More than that, they said they would not only give protection to the extent of the difference of freight, but to the extent of fifty per cent. on the prime cost. The persons connected with the trade, however, were not satisfied with that, nor would they be quiet till they had complete exclusion.

Mr. *Patrick M. Stewart* thought there was nothing in the evidence justifying the conclusion to which the Committee on the timber duties had arrived. He did not mean to advocate the old-fashioned doctrines of exclusive trade, but he hoped the House would be cautious in meddling with subjects without the clearest demonstrations for the necessity of doing so. If hon. Members would only prove that the interests of the consumer would be consulted by the proposition of the Committee, it should have his warmest support. But in his opinion, there was no case made out to justify the proposition of the Committee.

Mr. *Hume* said, if the hon. Member claimed the right of going to the cheapest butcher and baker, why should he deny the privilege of going to the cheapest timber merchant. The hon. Member for Worcester said, that no man could accuse him of ignorance. He would accuse that hon. Member of ignorance. The hon. Member warned the House against the visionary theories of political economists, such as himself. He would warn the House against the hon. Member as not being a political economist, or, at least, as being altogether ignorant of the subject. The hon. Member's arguments were as contrary to all rules of true political economy as they were to common sense. According to the hon. Member they must send ships to the Baltic, and from thence to Canada, so that instead of having that timber home in two months, the vessel would have to go all round the world, in order that the timber might be improved by doubling Cape Horn. Before the hon. Member accused him of being a visionary, let him be satisfied that he was quite correct himself. The trade of the country would not benefit by any of the extravagant propositions of the hon. Member. The way to promote the best interests of the country was to facilitate the exchange of commodities. The hon. Member relied upon the opinion of Mr. Huskisson; but the hon. Member should recollect that a protest was entered against that opinion, and what had then been foretold had since actually taken place. On these grounds, he had no hesitation in charging the hon. Member with being himself a theorist, and entirely ignorant of the true principles of political economy.

Petitions laid on the Table.

House of Lords.] The *Attorney-General* brought up the Report of the Select Committee appointed to search the Journals of the House of Lords, to see what had become of two Bills, the Execution of Wills' Bill, and Administrator's Bill. He was sure that at all times he should be found exceedingly unwilling to give offence to that House, much more at this moment. He would, therefore, content himself with saying that it appeared that these two Bills had been read a second time on the 22nd of June, and referred to a Select Committee, and no further trace of them could be found.

Dr. *Lushington*: The proceedings that had been adopted elsewhere respecting those two measures required that they should be brought under the notice of that House, and he trusted that he would not be thought impertinent, if he stated briefly the circumstances under which they were introduced, and the manner in which they had been treated elsewhere. They had been founded on the Report of the Ecclesiastical Commissioners, of whom two were Lord Chief Justices—the late Chief Justice, and the Chief Baron, and they had been produced with their unanimous assent. The propositions also underwent the discussion of the Commissioners of Real Property, and received their approbation. The Bills were then introduced by his hon. and learned Friend the Attorney-General, and debated in that House and referred to a Select Committee up stairs; and as they were of great importance to the welfare of the community, as tending to remedy some of the greatest grievances the present state of the law inflicted upon his Majesty's subjects, the Bills were passed after great consideration. The Bills were then sent up to the House of Lords in the course of June; they were read a second time, and committed to a Select Committee; and though this was now the third day of September, the Journals of the Lords had been searched, and no further notice was taken of measures which so deeply affected the interests of the people. It was his duty, as the Representative of a large portion of that people, to see what had become of important legislative measures, involving no political consideration—exciting no strife between adverse parties—and that House would not do its duty to the public whom they represented if, upon similar conduct being adopted by the other House, they did not take all constitutional means in their power to carry into effect those measures which they deemed essential to the welfare of the people. Had this been an isolated case, he might be content to pass it by, after saying that it might accidentally have escaped notice; but it was only one of a great series of measures which had been neglected or rejected, and he thought that it was his duty to call the attention of the House to it.

Sir *Edward Knatchbull* did not rise to underrate the importance of those measures; on the contrary, he felt, and admitted, they were measures of great importance, and deserved serious consideration. But he was not prepared to admit, that upon the footing of neglect of the interests of the people these measures had not progressed in the other House to the extent which the hon. Member anticipated. That delay was owing to the absence on the Circuit of certain learned Lords, whose legal experience was necessary to enable the House of Lords to come to a proper consideration of those Bills. If that was not sufficient, how, he would ask, did it happen that a noble individual in the other House, who was so forward to advocate the interests of the people, had not forced forward these Bills, if he thought them necessary? He believed it was generally understood that both those measures were to be brought forward at an early period of the next Session.

Report to be laid on the Table, and printed.

Consolidated Fund. (Appropriation).] The Chancellor of the Exchequer moved the third reading of the Consolidated Fund, (Appropriation) Bill.

Mr. *Hume* hoped that the right hon. Gentleman would not press the third reading, as the House had no right to be much satisfied with the proceedings in another place. If this Bill were passed, the House might let slip the opportunity of withholding the Supplies and discussing the measure just sent to the Lords again; and, without farther preface, he moved that it be read a third time on Monday.

The *Chancellor of the Exchequer* objected to the Amendment, and if he stood alone would resist the postponement of the third reading. The hon. Member wished for an opportunity of discussing the Municipal Corporations' Bill, just sent up to the Lords again. He earnestly hoped that there might be no need to discuss it again; and that the measure would not be returned. This House had given it the most sedulous, candid, and conciliatory attention; and whoever was friendly to its provisions, and thought they were of any value, would wish that it might never come back to the Commons. If there were any decided enemy to its provisions, he could not do better than to promote its return. If it were returned, then indeed the opportunity of discussion which the hon. Member for Middlesex desired would be afforded; but at a moment like the present, pregnant with important interests, he entreated the House not, upon any imperfect and partial view, to take a step which would materially (and he spoke advisedly) most materially prevent the completion of its wishes. He did not resort to any obvious arguments founded upon the fact that to defer the Bill till Monday would necessarily prolong the Session for another week, but he relied upon the conviction, which he thought even the hon. Member for Middlesex must feel, that to adopt his Amendment would tend to defeat the very object he contemplated. He did not wish to avoid or to prevent discussion, should it become necessary by the return of the Bill from the Lords, but he trusted that the calm tone observed and the conciliatory spirit evinced by hon. Members—and which did them infinite honour, considering the strength of their convictions—would have its due effect, since a firm but respectful attitude and demeanour were not likely to be misinterpreted, and would recommend the measure to the serious attention of the other branch of the Legislature. He only asked hon. Members to persevere in this course, to be consistent with themselves, and, as friends to the Bill, to give it the best chance of being passed into a law. He, therefore, humbly entreated the House not to postpone the third reading of the Appropriation Bill, or rather he humbly entreated the hon. Member for Middlesex to withdraw his Amendment.

Mr. *O'Connell* trusted that his hon. Friend would comply, since no reasonable advantage could be gained by insisting upon the Amendment. As to stopping the Supplies, that was out of the question: they had been voted by the House *seriatim*, and after having voted them, it ought never to be said that it had any ulterior thought of retracting them. He put it to the hon. Member for Middlesex, that whatever he could gain by his Amendment he would at all events gain equally when the Appropriation Bill had passed, if the Municipal Corporations' Bill were to be returned from the House of Lords. Nay, he would then have an additional advantage, for it would be seen that all had been done with temper and conciliation. If he were not afraid that his advocacy of the Bill would be injurious to its passing, he should say that he supported it heartily and unequivocally. If poor paltry considerations concerning this individual or that individual were allowed elsewhere to interfere with the sober consideration of a legislative enactment, it might be taken that the postponement of the third reading was an intended insult, and it might be urged as a reason for rejecting the Bill just sent to the Lords, that the Member for Middlesex had ventured to object to the Appropriation Clause. This might be taken as an indignity and the consequences might be most injurious. This country was come to an important and awful crisis, when it was to be ascertained, not in this Session, but in the next, whether every beneficial measure was to be checked and controlled by those over whom at present there was no check or control—whether measures of immense utility were to be stopped in their progress, not on the fair ground of their merits or defects, but on grounds that were too futile to be repeated. Let this House act so as to leave all the fault elsewhere, and abstain from anything like giving a pretext for a course which all dispassionate men must deprecate. He was sure that the country would not have less confidence in the hon. Member for Middlesex, who had followed one undeviating line of public conduct, because he forbore on this occasion, and allowed the Bill to pass.

Mr. *Hume* was desirous of being informed of the use of passing the Bill; he had been told that it was of no use. If, as was said, the money had been voted, and could not be recalled, what good could the Appropriation Bill accomplish? If he were wrong, he wished to be undeceived, and to learn whether the measure before the House was necessary to give validity to its votes? He did not wish the Municipal Corporations' Bill to be rejected; on the contrary, he had done all that was consistent with his public duty to secure its adoption as a law; he had been as ready as any man to yield on many points, but he wished to be in a condition—if the other House rejected the Bill, and did not estimate properly the condescension that had been shown and concession that had been made—to object to the final granting of the public money. He could not help looking back to what had occurred last year, when men in full possession of the confidence of the country had been excluded from office; by whose advice it had been done he knew not, but certainly not the individual who had been principally responsible in the new Government, for he was at a distance of some thousands of miles. There must, however, have been some adviser, and, for ought he knew, what had happened last year might occur again. He considered it the duty of the House to guard against the possible recurrence of such a transaction. The House had the power—or if they had not they ought to possess it—of putting the supplies into any hands they pleased. They had voted these supplies to a liberal extent to his Majesty; and in his opinion, lest his Majesty should be led by evil counsellors to repeat the course of last year, they ought to place the dispensing of the supplies in hands on which they could depend. He could not indeed go so far as to say that he contemplated the dismissal of the present Administration in the same manner as that of last year was dismissed, but at the same time he thought that they ought to guard against the possibility of such a proceeding. He wished the House not to do anything for the purpose of offending the House of Lords, but simply to exercise the management of their affairs, and postpone for a little while the reading of a Bill before them—which, as he conceived, might easily be done without giving any such offence to that assembly—in order that they might be able to judge whether any such proceeding might be necessary in the case of the Bill which they had sent up to the House of Lords being rejected. He made this proposal not from any want of confidence in his Majesty's Ministers, for he was perfectly ready to place that confidence in them now which he had always placed in them during the previous part of the Session. He hoped, therefore, that his right hon. Friend the Chancellor of the Exchequer, would explain further why he wished the Bill to be read at once.

The *Chancellor of the Exchequer* said that the second speech of his hon. Friend rendered it still more necessary to pass the Bill at once. His hon. Friend would have the goodness to recollect that he was not asking the House to do anything extraordinary, but simply to do that which was in the usual course of proceeding. If the proposition of his hon. Friend were agreed to, he would put it to the House and his hon. Friend, as men of sense and understanding, whether an impression would not be created that they wished to keep in their hands a power over the supplies, to be exercised in the event of the rejection of the Municipal Corporations' Bill as sent amended from this House? Now, that was a course which, of all others, would be most pregnant with danger. As had been said by the hon. and learned Member for Dublin—do not let the debate in another place go off on a question of etiquette; let the discussion be one, and one only, on the merits of the Amendments we have made in the Bill. His hon. Friend had said that he entertained confidence in his Majesty's present Ministers. If such were the case, let him allow them, pledged as they were on the question of Municipal Reform, to fight their own battle, and take their own chance of success. The step which he proposed was eminently qualified to weaken the Government in the public opinion; and he called on the majority of the House, composing the friends of the Municipal Reform Bill, not to peril its success by crying out it was in danger. A very unfounded statement had been put forth out of doors, that he—the person charged with the superintendence of the finances of the country—had counselled, or taken a course which countenanced, the stopping of the supplies; and that had been made an argument against the Government, and against himself individually, as a Member of it. It was scarcely necessary for him to say that he had never countenanced such a course.

Mr. *Thomas Duncombe* wanted to know distinctly whether the House did or did not possess the power of stopping the supplies. [The *Chancellor of the Exchequer*: No!] There had been a great misapprehension existing out of doors that the House was in a situation to stop the supplies, and he himself had received a petition from a large portion of his constituents, with a request that he would vote for taking that course, in the event of the House of Lords rejecting or injuring the Municipal Corporations' Reform Bill. The Chancellor of the Exchequer, however, it now appeared, told them that they could not stop the supplies; and such being the case, there would be no use in adopting the proposition of the hon. Member for Middlesex. As to its giving offence to the House of Lords, he could not see how the suspension of the third reading of one of their Bills could be fairly thought to have any such effect. He trusted that his right hon. Friend would state to the House the nature and operation of this Appropriation Clause; he himself had tried to explain it to his constituents, and had said to them, "Gentlemen, I believe it is too late to attempt to stop the supplies now." If they were indeed in a situation to stop the supplies by suspending the Appropriation Clause, he should give a vote in favour of the proposition of the hon. Member for Middlesex.

Mr. *Warburton* observed, that if the House possessed the power of inserting a Clause for placing the money voted in the hands of Commissioners, without the consent of the other House—if they could of themselves give final effect to any proposition of that nature, then they would be able to exercise the check alluded to; but if they did not possess it, it would appear that that mysterious power of which his hon. Friend talked was entirely imaginary. Any course which they could take would have no effect. There were, already, in the hands of Government Exchequer Bills sufficient to carry on the functions of the Government until Parliament should again meet. If it were proper to exercise any power of stopping the supplies, it ought to have been resorted to before they were voted; there was no such power now.

Mr. *Hume* referred to the form of the Appropriation Act of 1833, and said that he might easily move Amendments to the effect of granting the supplies for a term of nine months, instead of twelve months as proposed. If, however, his Majesty's Government were of opinion that the course which he proposed would, if adopted, have the effect of weakening the confidence reposed in them, or endangering the success of the Municipal Reform Bill, then he would not press it.

Lord *John Russell* said that, as he understood the question, the effect of such a motion as that which the hon. Member for Middlesex proposed would be, to show a great want of confidence in the Government; and the support of the Motion which had been made by his right hon. Friend, the Chancellor of the Exchequer—as the official representative of the Government on this occasion—appeared to him to be the only right and constitutional way of showing confidence in that Government.

Bill read a third time and passed.

CONFERENCE WITH THE LORDS.] Lord *John Russell* brought up the Report of the Committee appointed last night to draw up reasons to be offered to the Lords for disagreeing to several of the Amendments made by the Lords in the Municipal Corporations' Bill. The noble Lord moved that a Conference be desired with the Lords on the subject matter of their Amendments in this Bill.

Motion agreed to. Lord John Russell, accompanied by the greater portion of the Members of the House, went to desire the said Conference.

Conference agreed to. Speaker left the Chair. Conference held. Speaker resumed his seat. Conference reported.

INSTRUMENTS OF SASINE (SCOTLAND) BILL.] The Lord Advocate moved the third reading of this Bill.

Mr. *Patrick M. Stewart* suggested that the words in the Bill—"And also reserving to all parties, who before the 12th of May in this present year shall have objected judicially to the validity of any such writ or writs on the ground of erasure, all pleas that would have been competent to them before the passing of this Act," should be left out. This provision, he contended, would place the parties engaged in pending suits in a worse situation than they were at present.

House counted out.

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HOUSE OF LORDS,

Friday, September 4, 1835.

Minutes.] Bills. Read a first time. Tithe Instalment (Ireland).—Read a second time:—Consolidated Fund; and Militia Pay.—Read a third time:—Charities Commissioners; Reform Act Amendment (Scotland); and Customs Duties.

Petitions presented. By the Duke of Richmond, from West Grinstead; and by Lord Farnham, from St. George's, Dublin,—against the Irish Church Bill.

Law Commissioners.] Lord *Brougham* said, he had a grateful duty to perform to a certain body of Commissioners; and their Lordships were now so near the end of the Session, that he should not have an opportunity of performing that duty if he did not seize the present moment. He alluded to the Commissioners of Law Inquiry, who were appointed late in the year 1833, and who had furnished two most valuable reports. It was his bounden duty to say, having been in constant communication with those Gentlemen, that he never yet saw a difficult and laborious task performed with greater zeal, assiduity, and skill, or that he had ever known any thing more judiciously pointed out than the degrees of improvement in the law which they had suggested. They had not merely made a general report, but they had entered into the details of the subject. They had tried the experiment of making a digest of the statute-law, and they had afterwards proceeded to form a digest of the common law—the unwritten law—which was founded on practice, on *dicta*, and on decisions. He begged leave to call the serious attention of their Lordships to the able and judicious report of these skilful and accomplished lawyers on both of these important subjects. It had been said, most foolishly and most ignorantly, that all which these Gentlemen had done might have been done by others in the course of three weeks. Others might have done more in three weeks, but how would they have done it? Imperfectly and erroneously; and if the thing were not well done, it would be better not to do it at all,—

> "If it were done, when 'tis done, then 'twere well
> It were done quickly."

(as somebody said). But he feared, that in this case, that which was done quickly, could scarcely be said to be done at all. These Commissioners had drawn up the digest admirably; and if their Lordships would look to the Reports, he was sure they would rise from their perusal with a considerable increase of information. He would not now move a Resolution for sanctioning the decisions to which the Commissioners had come, or the suggestions which they had thrown out; they had not time for the discussion to which such a proposition would probably give rise; but he certainly would call their Lordships' attention to the subject early in the next Session of Parliament.

Dublin Police.] Viscount *Duncannon*, in moving that the above Bill be now committed, said, that in consequence of what had occurred on a former night, he had received a communication from the Under-Secretary of State for Ireland, in which he stated, that no communication had been made to the Corporation of Dublin with respect to this Bill. The reason which the Under Secretary assigned for having adopted this course was, that no part of the Corporation Funds were affected by the Bill, and therefore he did not deem it necessary to consult that body. The noble Viscount, in order to show the necessity for an alteration in the Police system of Dublin, read an extract from the Appendix to the Report of the Commissioners appointed to inquire into the Irish corporations, and concluded by moving the second reading of the Bill.

Lord *Farnham* opposed the Motion. He had received a letter from the Lord Mayor of Dublin, in which he stated that he had never seen the Bill until half an hour before he began to write. Now, surely, a measure involving in its effects the peace of the metropolis of Ireland, ought not to be passed, without making the chief magistrate of Dublin acquainted with its contents. The system of Police in Dublin had been in existence for twenty-seven years, and ought not to be altered without giving proper notice to the Corporation. He should move, that the word "now" be omitted for the purpose of introducing the words "this day three months,"

The Earl of *Wicklow* demanded, whether, when their Lordships were called on to pass a Bill of this nature, they ought not to take care that the Corporation had proper notice of the measure? He would recommend the noble Viscount to withdraw the Bill altogether for the present. He advised this from his conviction that it was the most prudent course. No great inconvenience could result from postponing it till next Session.

Viscount *Duncannon* said, if the Bill applied in any way to the Corporation, that might be a reason for postponing it; but as that was not the case, he could not consent to withdraw the measure. The Police of Dublin was wholly inefficient, and therefore it was necessary to pass this Bill.

The Earl of *Wicklow* did not wish to be driven to vote upon this occasion, but if he were obliged to do so, he would vote for the Amendment of his noble Friend.

Lord *Plunkett* said, the state of the Dublin Police was such as to call loudly for the Legislative interference. Individuals could not proceed through the streets in safety. A barrister could not go to the Four Courts without encountering a very great probability of having his pocket picked. The necessity of altering the whole system was manifest, when it was known that great defalcations had frequently taken place in the rates collected for Police purposes. It was stated that the Recorder of Dublin had been written to, and that he had not seen the Bill prior to his leaving London. He did not, however, understand that that learned Gentleman had made any complaint against the Bill. He had every reason to believe that the Bill would prove a beneficial measure.

The Duke of *Wellington* could not help thinking that the noble Lords opposite were in error, in supposing that the Corporation of Dublin were not interested in the Police establishment in that city. Why, the Corporation were the parties who had charge of the Police, and, that being so, was it proper that their Lordships should alter, wthout giving the Corporation any notice of such an intention, a system which had existed now for twenty-seven years? It might be as the noble Lords opposite stated, that the alteration proposed by this Bill would not affect the interests of the Corporation of Dublin, but still he thought, as they had charge of the Police, no change should be made in that establishment without their concurrence. He had received a letter from the Lord Mayor of Dublin, saying, that as he had never seen the Bill, until the morning on which he wrote, it was wholly impossible for either him or the Corporation to examine it, and with such a fact before them, would it, he must ask, be just on the part of that House to pass a measure which possibly might affect corporate rights, which it was the bounden duty of their Lordships to respect? Besides the letter he had mentioned, another had reached him from a Magistrate of the county, in which letter the whole of the statements made by the Lord Mayor were corroborated. He had not been able himself to peruse the Bill up to that hour, nor had he thought it necessary to do so, inasmuch as he could not believe that the Government had any serious intentions of passing it through Parliament during the present Session. Agreeing, for the reasons he had stated, that the consideration of this measure should be postponed until the next Session, he should certainly vote for the Amendment of his noble Friend.

The Earl of *Radnor* regretted that a Bill of such importance should be lost on what appeared to him to be a mere matter of form. He believed that the Recorder of Dublin was in London when the Bill was introduced, and if he had any objections to it, he might have communicated those objections to any of his friends in Parliament. No such course was, however, taken; and as the Bill had been three weeks in the House, abundant time was afforded for its due consideration. The letter of the Lord Mayor did not state any specific objection to the Bill.

Lord *Wharncliffe* said, no notice with respect to the Bill had been given, either to the magistrates or to the Corporation, The Lord Mayor of Dublin actually had not time to examine the measure. Certainly the Corporation, who were now at the head of the Police, ought to have been furnished with an opportunity to state their sentiments respecting it. He thought it would be an act of great injustice to proceed without giving them notice.

The Marquess of *Clanricarde* said, the Police of Dublin was admitted to be in a most inefficient state. Now the Corporation of Dublin had the charge of that Police, and, therefore, he contended, that they who had so long sanctioned this bad system, ought to have been the last persons whom the Government should consult on the subject. Were the public of Dublin to be deprived of the benefit of an efficient Police system for another year, because those individuals were not consulted? The Dublin Police was useless by night and by day. There was not, in any part of the British empire, or in any town of Europe, of the same size, so wretched a system of Police as now prevailed in Dublin.

The Marquess of *Westmeath* said, that the 39th of George 3rd., and several other Acts of Parliament, gave to the Corporation of Dublin the charge of the Police, and the system ought not to be altered without giving that body notice. He admitted that the Police of Dublin might be improved, but he could not assent to passing this measure unless the Corporation was first consulted.

Lord *Hatherton* said, no specific objection had been advanced against the Bill in either House of Parliament; and so inefficient was the Police System in Dublin, that he conceived the Bill ought to be passed immediately. A guard of soldiers had been allowed for the protection of property in the neighbourhood of the Grand Canal, in consequence of the want of a proper Police force. That Guard was withdrawn by order of the Lord-lieutenant, on a representation made by the Commander-in-Chief. But depredations were immediately carried on to such an alarming extent, that the Lord-lieutenant was compelled, contrary to the wishes of the Commander-in-Chief, to send the soldiers back again. This showed the necessity of altering the system.

The Marquess of Westmeath again rose to address the House. [Lord *Brougham*, "Question, question," a noble Lord called "Order"]. I will not be put down in that way.

Lord *Brougham*: Then I speak to order. [*Confusion.*] It is a standing order of your Lordships' House that noble Lords shall speak but once on any given question.

The Earl of *Wicklow*. If the noble and learned Lord had enforced that order at the commencement of the Session, I should have been delighted at it. But, my Lords, it is extraordinary, indeed, to hear the noble Lord speaking to order on a point that he never observes himself.

Lord *Brougham*. Oh! if it were the commencement, and not the end of the Session, I should not have taken the matter up. It is very well to make a number of speeches when the Session is all before us, and we have nothing else to do. But it is a different thing at the end of a Session, when we have a great deal to do, and but little time. Then we can't afford it.

Lord *Ashburton* said, however necessary the change proposed by the Bill might be, they ought not, in making it, to lose sight of the principles of justice. It would not be right to make a great change in the police of a city, without allowing those who were interested to be heard. They would not treat the smallest borough town in England on a different principle. It might be perfectly true that the police of Dublin was the worst that could be imagined—the Bill also might be a very good Bill—but still the citizens of Dublin, who were as ignorant of the measure as the municipal authorities, might wish to have an opportunity to make some suggestions relative to it. When an alteration was contemplated in the police of Westminster, the different parishes assembled and discussed the matter.

Lord *Holland* said, if they wished to keep the police of Dublin in a state of inefficiency, and thereby subject the inhabitants of that city to robbery and plunder, the effect of the proceeding of noble Lords opposite, if they were in a majority, would be to accomplish those two purposes. Proceedings, he admitted, ought not to be carried on in Parliament without giving due and fair notice to his Majesty's subjects. And what was the case with this Bill? He did not find that it was hurried through any of its stages. It was introduced in the usual manner, and proceeded regularly through all its stages. And he wished to know, that being the state of the case, what right the Corporation of Dublin had to call on Parliament to consult them on the subject, when the measure did not interfere with their funds? In what mode, he would ask, was Parliament to communicate their proceedings to the Corporation of Dublin? He really did not understand the force or the wisdom of such a proposition. He thought that no noble Lord who voted against the Bill could fail to feel uncomfortable when he heard of any outrage committed in Dublin.

The Earl of *Haddington* merely wished to express his opinion that a Bill of this kind ought not to be passed in the absence of all information, and without communication with the parties most interested in it.

Amendment agreed to. Bill postponed for three months.

WITNESSES' INDEMNITY BILL.] Lord *Brougham* moved that the Report on the above named Bill should be now received.

The Earl of *Wicklow* disapproved of the Bill, which he thought would tend to the encouragement of perjury. Those who had attended to the proceedings of the other House could not fail to perceive the motive of the introduction of the measure. The most inquisitorial proceedings had lately been adopted by the other branch of the Legislature, but as its power was not considered sufficiently extensive, this Bill was introduced to supply the deficiency.

A certain influential individual in the assembly to which he alluded had demanded to know the reason why this Bill had not passed into a law; another gentleman had expressed regret that the House of Commons had not sufficient power to punish individuals who refused to answer questions put to them; whilst a third had declared that it was contrary to reason and common sense that witnesses should not be compelled to criminate themselves. He was surprised that a noble Lord who had sat as a judge upon the woolsack, could advocate so arbitrary and unconstitutional a measure. To prevent mischief he would move that the Report be received that day three months.

Lord *Brougham* said, that he had on a former occasion expressed his doubts with respect to the propriety of some provisions of the Bill. The experience of the present Session, however, showed that some measure of this kind was necessary, to enable election Committees of the House of Commons efficiently to execute the judicial functions intrusted to them.

Lord *Abinger*, according to the experience he had had in the other House of Parliament and in his profession, ventured to say, that if you wanted to get a set of corrupt witnesses, you could not do better than by feeling your way among those who had been guilty of bribery, and who, on obtaining an indemnity, would not fail to accuse other men of like practices. The utmost, in the way of indemnity, that appeared safe and proper, was to establish the rule that nothing that might transpire in consequence of the evidence of an individual in an inquiry relative to bribery or corruption at elections should ever be used in any shape against him. The present Bill went a great deal further, and seemed to him to be a general measure for creating corrupt and profligate witnesses, of whom he was afraid there were too many to be had. He felt considerable doubts whether the measure might not be productive of great mischief, and therefore he was not at all inclined to support it.

Amendment agreed to. Report postponed for three months.

Corporation Reform.—Commons' Amendments.] Viscount *Melbourne* rose to move that their Lordships do now take into consideration the Amendments made by the House of Commons to the Amendments which the House had sent down in the Municipal Corporations' Bill. It was unnecessary for him in the performance of his duty to detain their Lordships at any great length, especially after the house had so fully discussed the general principle of the measure, and all its provisions in detail He would, therefore, confine himself on this occasion to stating as clearly and distinctly as was in his power, the import of the Amendments made by the House of Commons on their Lordships' Amendments. Before, however, he proceeded to the performance of that task, he might be allowed to express his anxious hope and confident belief, in this stage of their proceedings, which he trusted would have a happy and fortunate termination, that whatever difference of opinion, or heat and violence of feeling, might have arisen in the course of the discussion of this measure, we should now at least approach the important subject with calmness, temper, and moderation, and with the fullest and most sincere desire to afford it a fair and impartial consideration. He trusted their Lordships would enter upon the discussion with a wish and determination to meet the spirit of accommodation and conciliation which it was but just to say had been manifested by the other House of Parliament in a similar temper and spirit, and that they would show they were resolved to use their most anxious efforts, in order to secure the successful termination of a measure of great public importance, of deep public interest—a measure which a great majority of their Lordships had admitted to be called for, both by the state of public feeling on the subject, and by the circumstances in which the corporate bodies of this country were placed. He trusted their Lordships would approach the question without the least degree of prejudice, and manifest that their only wish was to carry into effect what all must feel to be so desirable—namely, to frame a measure in relation to Municipal Corporations which should be good in itself, and equally satisfactory and advantageous to the country. The Amendments of the Commons on their Lordships' Amendments he would explain. The House of Commons had adopted all the Lords' Amendments relative to the rights of freemen, with the single exception of any discharge or exemption from tolls. That was undoubtedly one of the most objectionable and onerous privileges that existed, and which had been generally complained of as creating the greatest and most unjust distinction, and exciting the strongest prejudice in various towns and boroughs. It was an unfair and unequal privilege, and he trusted that their Lordships would not consider it inconsistent with their sense of duty to agree to the Commons' Amendment in that respect. The next Amendment of consequence effected by the Commons consisted in doing away with the two lists determined on by their Lordships, one list from which the Council was to be chosen, and the other of persons entitled to be burgesses. This amendment, however, carried him to the Question of Qualification, which he would first state to their Lordships. The Bill was originally sent up from the Commons without any qualification being demanded in Members of the Town-councils; their Lordships thought proper to adopt the principle of a qualification, and determined that the persons eligible to be elected Town-councillors should be taken from amongst the sixth part of the whole number of burgesses that should be rated at the largest amount and value; and in the higher class of boroughs, divided into four or more wards, persons possessing real or personal property to the amount of 1,000*l.*, and in the smaller boroughs containing less than four wards persons possessed of 500*l.*, were declared by their Lordships to be eligible as Councillors. The House of Commons admitted the principle of a qualification, but altered the nature of the qualification which their Lordships had sent down. They adopted in those boroughs which were to be divided into four wards or upwards, as a qualification for Councillors, the possession of real or personal estate to the amount of 1,000*l.*, or a rating to the value of 30*l.* a-year; and in all boroughs divided into less than four wards, the qualification was 500*l.* property, or a rating to the value of 15*l.* a-year. He could not help feeling that the qualification added by the Commons got rid of the invidious distinction that would be created by the scheme of having two lists —an inconvenience that was deeply felt by all who were in any degree conversant with the state of borough towns; and it also got rid of the vexatious inquisition into the property of individuals which would result from their Lordships' Amendment, if the pecuniary qualification of parties had been a subject of inquiry, as was contemplated, before the Revising Barristers. He trusted, as the principle of a pecuniary qualification had been admitted by the other House, that their Lordships would find the arrangement of the Commons satisfactory, particularly as it avoided considerable practical inconvenience; and on that ground he hoped noble Lords would have no objection to adopt it. The House of Commons had also disagreed to that Amendment of their Lordships preserving magistrates for life. But he should have first observed, in reference to the Question of Qualification, that the Commons' Amendments required persons to be duly qualified as Councillors at the time of making a declaration on the subject, and also provided for the continuance of the qualification during the whole period of their being in office; and for the enforcement of this continuous qualification many provisions were made, at the same time that proper guards and checks had been adopted against the possibility of vexatiously questioning it. He repeated, that the Commons had disagreed to their Lordships' Amendment which preserved the present justices in corporate towns. Their Lordships were very well aware that the preservation of any part of the ancient Corporations, the maintenance of existing Corporators in offices now held by them, which formed one part of the Lords' Amendments, had produced the greatest dissatisfaction. The former Bill, as it originally came up from the Commons, enacted that the Town-council should consist only of a Mayor and burgesses; but their Lordships chose to preserve the dignity of Alderman, and enacted by their Amendment that a certain number of Aldermen should be elected for life, and in the first instance should be composed of the existing members of Municipal Corporations who held that rank. The Commons had acceded to the principle of appointing Aldermen, but they disagreed to the provisions which enacted that Aldermen should be elected for life, and continued the members of the present Corporations in office. The House of Commons declared by their Amendment that Aldermen should be elected for a term of six years, with the exception of half of those first elected, who were to go out of office within three years. One half of the Aldermen were to go out at the expiration of each period of three years from the time of election. In pursuance of the same principle, which had been strongly urged and argued in the course of the discussions in the Commons, and which had been admitted in their Lordships' House—in order to give the measure fair play, and shape it in a manner to produce satisfaction—with a view of affording the Bill a chance of succeeding, and producing the expected beneficial effects in cities and boroughs, it was felt to be necessary that the whole system should begin afresh, and that the whole machinery of the ancient Corporations should be removed and done away with, and in furtherance of this principle, the House of Commons felt itself called on to disagree to the Lords' Amendments in reference to this matter. They therefore disagreed to the Amendment preserving the present justices for life, and provided that the Councils should appoint Town-clerks to hold office during pleasure, thereby disagreeing to the Lords' Amendment, which retained the present Town-clerks. It could not be expected that the affairs of persons should be conducted with satisfaction to themselves or the community when the Legislature forced upon them against their will the agent who was to conduct them, and this was precisely the case as regarded Town-clerks and the provision affecting them in the Lords' Amendments. Their Lordships had placed the distribution of cities and boroughs into wards in the hands of the Revising Barristers, and the Commons agreed to this arrangement, making the divisions, however, subject to the King's approbation—an Amendment which he thought must be satisfactory, as it would be too large a power to intrust to the Revising Barristers the entire distribution of towns into wards without an appeal or review. He said, that he thought this much too extensive a power to be intrusted to the hands of Revising Barristers, respectable as he admitted those gentlemen to be, and well as they performed the duties assigned to them. The Commons disagreed to that provision which their Lordships had introduced into the Bill, and by which they established the principle that none but members of the Established Church should have a voice in disposing of Corporate Church Patronage. Now, he must say, he thought their Lordships' Amendment on this point was founded on an entirely false principle, and adopted in order to meet a purely ideal evil. He could not think that there was any danger in leaving the distribution of Church patronage at the disposal of Corporations, in which there might be Dissenters holding office as Councillors. He thought that the very argument urged on a former occasion by a right reverend Prelate, whom he did not now see in his place, was in itself a strong proof how evanescent and fanciful was that danger which the right reverend Prelate appeared to apprehend. The right reverend Prelate stated that it was possible a political Dissenter might appoint an inefficient Clergyman to Church preferment, with a view to give a popular Dissenting Minister in the vicinity an advantage over him. Now, he asked whether that was a danger so probable or so great as to call for the violation of an important principle? But upon this point the Commons had not replaced the Bill in the situation in which it formerly stood when it first came into their Lordships' House; they adopted a course which was pointed out in that House by some noble Lords, and had introduced an Amendment to compel the sale of all advowsons possessed by Corporations, the proceeds of the sale to be invested in the public funds, and the interest thereof to be applied to the use of the borough funds. This was an Amendment which, while it met any objection that might exist in their Lordships' minds on the score he had mentioned, also attained another object, which would be admitted to be extremely desirable—that of taking the patronage of Church preferments out of the hands of bodies which unquestionably were not so well fitted to exercise it as single patrons, who acted on their own judgment and responsibility; to this Amendment, therefore, he confidently anticipated their Lordships' assent. There remained only two Amendments of any great importance, which he should now mention to their Lordships. The Bill was sent up to the Lords with a provision, that the Town-councils should recommend magistrates to the Crown for its approbation, and their Lordships struck out the proposed recommendation of the Council, and placed the appointment of Magistrates in the Crown, without the advice or intervention of any party. The Commons had replaced the original provision, for the reasons assigned by them, which appeared to be of great weight. They declared it to be necessary that there should be some recommendation in the case of the appointment of Magistrates by the Crown, and they thought it better that the local information as to the qualification of parties, should be of a public, uniform, and constant nature, than that it should be drawn from secret, uncertain, and irresponsible sources. The Commons thought that there would be no security without proper responsibility in this case, and therefore they restored the original provision. The Commons had also made a very considerable alteration in the schedules of the Bill. They left towns having a population below 9,000 undivided into wards, and raised the schedules up to the highest point, the effect being that fewer towns were to be divided into wards, and that certain boroughs struck out by the Lords should be restored. He thought the arrangement of the Commons in this respect was the best, and he hoped their Lordships would be careful how they interfered with it, as by other provisions of the Bill it was connected with the qualification, the rate of which depended on the number of wards into which towns were divided. He hoped their Lordships would consider the Commons' Amendments with temper and moderation, and a desire to conciliate and accommodate matters. It was superfluous for him to say he agreed in those Amendments, seeing that most of them consisted in a restoration of Clauses to the alteration of which he and his noble Friends had objected when the Bill was in Committee, or in the adoption of principles for which they had argued. He cordially agreed in the Commons' Amendments, because he thought the Bill greatly improved by them, and therefore he strongly recommended their insertion, and begged leave to call their Lordships' serious and impartial consideration to them. The first Amendment consisted in an omission of certain words in the Clause securing the rights of freemen, to which he hoped their Lordships would not object; and in conclusion he begged to move the adoption of it.

Lord *Lyndhurst* thought he was in some degree entitled to entreat their Lordships' indulgence while he addressed them as briefly as the nature of the subject would admit in reference to the Amendments of the House of Commons upon those adopted by the Lords. It was a duty which he owed to himself and to their Lordships to deliver his opinions on this occasion—a duty pleasant in some respects, but painful in others. After all that had been said out of doors with respect to the conduct of the majority in their Lordships' House—he said nothing of anything that might have fallen from noble Lords in that House—he felt it right to call their Lordships' attention to what it was that they had obtained by the Amendments which they had made in the Bill, and before he sat down, he would also call the attention of the House to those points which were still subjects for discussion. The first question to which the Lords had directed their attention involved most important rights of property of freemen. Those rights had been conceded to a certain extent by the Commons, and their Lordships were desirous of extending them and placing these freemen on the same footing as if the Bill had not been introduced. The result was successful; their Lordships had established those rights to the fullest extent, and the step had been approved of by the House of Commons, which, in a spirit of conciliation and accommodation, had met the Lords on the point, and agreed to their Amendment. Even if their Lordships had accomplished nothing more, yet in that respect they had gained a great and material point, and he therefore felt himself justified in congratulating their Lordships on the success of their endeavours to preserve the rights of those individuals, and to maintain privileges which could not be torn from the possessors without an act of great injustice. The next point contemplated by their Lordships was to secure the existence of those rights which had been established deliberately and after careful discussion during the progress of the Reform Bill—the right of voting in the election of Members of Parliament. In the other House of Parliament, when this Bill was originally introduced, no provision was made by it for the protection of the political rights of freemen. In the Committee on the Bill every effort was made to preserve those rights, but unsuccessfully; the Bill was recommitted, and a second unsuccessful attempt was made to the same effect, and it was not till a very advanced stage of the measure, he believed on the third reading, that those rights were, to a certain extent, allowed. When the Bill came into their Lordships' House, they considered that as it was a Bill which professed to be for the improvement and regulation of Municipal Corporations, it would not be right, on a collateral point, to unsettle rights established by the Reform Bill, which was considered a final measure as regarded the representation of the country, and accordingly we proposed amendments to secure the continuance of those privileges. Here, again, we were met by much opposition, as in the case of the former proposition; but of that he did not complain: far from it; he rather rejoiced that the subject was fully and deliberately discussed by their Lordships. However, he must say, that in discussing the amendments proposed on this subject, both here and in another place, imputations had been thrown upon the conduct of the freemen, which certainly were not justified by anything that had occurred since the passing of the Reform Bill. Every imputation now adduced would have been equally well-founded at the time of the Reform Bill, yet noble Lords opposite admitted the rights of the freemen, and the propriety of continuing them by that measure; and such being the case, it appeared to him inconsistent in noble Lords who then allowed the rights of the freemen, now to rest their opposition to such claims on objections which were equally valid at the time of passing the Reform Bill. He was happy to say that their exertions with respect to the political rights of freemen had been crowned with success. They had sent the Bill back to the Commons amended on this point, and the House of Commons adopted the Amendment; and no doubt they adopted it with a view, he hoped, to the justice of the case, and certainly in a spirit of conciliation, and with a desire to effect a final arrangement of the matter with this House and the country. Those were two great points to which, in the first instance, he directed the attention of the House. The third question of great importance appeared to him to be the establishment of a proper qualification. As the constituency was so extensive, he thought it absolutely necessary to have a qualification. He confessed he was a good deal surprised when he stated the proposition, to find that it met with such violent and eager opposition from the noble Lords who brought forward the Bill. He thought he was acting in accordance with precedent and analogy, and the principle of a Bill which had been very maturely considered by the Legislature—a Bill of which his noble and learned Friend opposite was the framer, which was brought forward by a noble Lord in the other House of Parliament, and which was afterwards carefully discussed by their Lordships. The Bill to which he referred emanated from members of the present Government, and contained the principle of qualification which he proposed to introduce into the present measure. He was therefore surprised at the opposition he had experienced from the noble Lords, who had previously admitted the principle for which he then contended. Their opposition was not merely confined to the principle of a qualification, but was directed also to the mode of qualification which he had taken the liberty to propose. He was charged with being an innovator; and he produced an Act of Parliament in which a similar qualification for the performance of like duties was introduced, and had been agreed to. He never heard this observation met, or even attempted to be answered, by any noble Lord, with the exception of a noble Lord formerly Chief Secretary of Ireland, who, by the observations he made on the subject, rendered it quite clear that he did not understand the Act. The qualification proposed by him, and altered and amended by a noble Earl on that side of the House, went down to the Commons, and he made no objection to what passed there on the subject. The principle of a qualification was admitted without a division, and on a division which took place on a matter of detail, the principle of the Lords' Amendment was virtually sanctioned by a majority numbering 271 members. The Commons, however, substituted for the Lords' qualification one of a different description, and which was more exclusive in a large proportion of cases than the qualification inserted in the Bill in that House. He had taken pains to collect information on the subject, and to inquire into the state of various towns, in order to contrast the effect of the two qualifications upon them; and without troubling their Lordships with details, he felt himself justified in stating that the average of the qualification proposed in that House proceeded upon a rating on the value of 17*l.* a-year, whilst by the Commons' Amendment, the qualification amounted, in one-half the instances, on a rating of 30*l.*, so that they excluded in a great number of towns all who should be rated between the sums of 17*l.* and 30*l.* a-year. Thus it appeared that if he drew the line tight, the Commons had drawn it still tighter. His sole object in introducing a qualification was to secure that the Councils should be chosen out of a class of persons who would properly discharge their duty to the boroughs with which they were connected, and to the country at large; and he had introduced a particular form of qualification, because he thought it would prove more flexible, more conveniently adapted to towns of different populations, and less easily evaded than most others that could be selected. He did not complain, however, that this qualification had not been adopted; on the contrary, he assented cheerfully and readily to the alteration of the Commons. The next point to which he called the attention of their Lordships was one which he considered of material importance—the licensing of public-houses. He considered, and their Lordships agreed with him, that to leave this power in the hands of the Town-councils, as originally proposed by the Bill, would lead to jobs, and he proposed to expunge the clause, a proposition which was opposed on the other side of the House, but not with much warmth. The Bill amended in this important respect, the clause having been struck out, went down to the Commons, and the Lords' alteration passed without a single observation or comment. These important advantages had been gained at a time when he and his noble Friends were charged by persons out of doors, and certainly not in the most decent or decorous language, with endeavouring to mutilate and destroy the Bill. There was another important point on which he had received the support of his noble and learned Friend on the other side of the House; he referred to the subject of the management of charities, which were to an enormous amount under the superintendence of Corporations. The Bill, as it came from the other House, was in the highest degree objectionable and dangerous in reference to this matter; for persons without property, qualification, or security, were at once invested by it with the control of funds to an enormous amount, of personal estates, and to an immense value of real property. His noble and learned Friend co-operated cordially with him—indeed he could not do otherwise—in altering this provision, and they had taken out of the Bill everything relating to charities, which they left to be administered by the same hands as had hitherto administered, and he believed well administered, them; they left those parties to dispose of charity funds for a limited duration, in order that Parliament might have an opportunity of legislating on the subject, and devising a measure applicable to them. That was in itself a great benefit. With respect to the last point to which he was about to advert while treating the present branch of the subject, he felt it to be at this moment a subject of great delicacy and difficulty, he meant the subject of the disposal of Church patronage by Dissenters. It had occupied his attention more than many things during the progress of the Bill, and noble Lords around him co-operated with him cordially on the subject. After maturely considering the matter, he found at last that he could offer no better protection in the case than the clause which had excited such warm debates and given rise to such strong feelings on the other side; but he could assure noble Lords that he had adopted that clause after the most candid and careful attention. He well knew that Members in the Dissenting interest in the House of Commons had declared that they had no wish to have anything to do with the disposal of Church patronage, and therefore that such a clause must be in accordance with their feelings. He was aware of the odium to which he exposed himself by the course he had taken; he might be charged with bigotry and prejudice; still he felt it his duty to persevere. He had no wish to interfere with Dissenters, no desire to meddle with their property or religion, and he wished them not to interfere in matters that solely concerned the Established Church. In that spirit he introduced his clause, and when the question was put to him by his noble Friend opposite, how he would define a member of the Established Church, or distinguish between Dissenters and Churchmen, he was fully aware of the difficulty of the case, but at the same time he knew that what he proposed would be considered by the Dissenters an honourable engagement, binding upon them, and on that ground he thought it sufficient. The very amendment that had been introduced in the Commons in reference to this point he had himself prepared, but he knew the odium to which he should subject himself by proposing it, and the attacks which would be directed against him. He well knew that if he proposed to give the nomination to the Bishop of the diocese in the case of Corporate Church-property, he should be charged with a design of plundering the Corporations for the purpose of investing the prelates of the Establishment with their spoils. He knew that he should be thus charged, if not within those walls. He knew he should be told that Dissenters might now by the law of the land hold advowsons, that Corporations composed of Dissenters might since the repeal of the Test and Corporation Acts hold advowsons, and that he should be asked, "What right have you, under such circumstances, to interfere with the rights of property, or render it compulsory on parties to dispose of their possessions?" He knew he should be thus assailed if he attempted to bring forward such a clause, and he thought it better, in order to guard against the possibility of unjust imputations, to put into the Bill a mere vague clause like that he had proposed, trusting for security to the honour of the Dissenters. He had now stated the great advantages which the Lords had secured by their amendments—the preservation of the property rights of freemen, the maintenance of the elective franchise of freemen, the establishment of a qualification for Town-councillors, the getting rid of the power of licensing by Town-councils, the putting an end to all apprehension of danger with respect to Church-property vested in

Corporations, the security obtained with respect to the administration of charitable trusts. These great and important results were due to the exertions of their Lordships on his side of the House, for in all he had done he had merely acted in unison with his noble Friends about him, and the propositions he had made did not all arise from his own suggestion, but were merely brought forward by him, after consultation with other Peers who concurred in his views; therefore individually he took no pride in the course that had been pursued with such signal advantage to the country—indeed, he could not indulge in a feeling of that kind, because what had been proposed and executed was the joint act of his noble Friends and himself. He now came to the alteration made by the Commons on the amendment introduced into this Bill by their Lordships; he meant that amendment which created aldermen for life, and continued in their offices those authorities, who, under the existing law, were appointed for life. He considered—and there were many of their Lordships who, he knew, considered—that this was the most important Amendment introduced by their Lordships into the Bill. In proposing that Amendment, he considered that the composition of a Council, filled up, as these new Councils were to be filled up, by a constituency with no other qualification save the very wide one of being rate-payers for tenements of the lowest description, would in all probability be acting under the influence of agitators, or of persons of that turbulent description. He thought that such a constituency would produce great changes in the composition of the Town-council, and great uncertainty in the transaction of business by that body; and he had therefore proposed this Amendment as a necessary counterbalance to the evils which he apprehended from the new system. In order to have a certain portion of the Town-council independent of the public voice, but not independent of public control, he had proposed that a fourth part of the Council should hold their offices for life. In making that proposition he thought that he had acted wisely. He was not inclined to make any alteration in it at present, especially as he saw that his proposition was supported by the precedent established in that Bill, introduced by his noble and learned Friend, to which he had already referred. He was gratified to find that the House of Commons had in principle adopted the opinion which he had formed, by agreeing to have among the Councillors a distinct class, holding their offices, not indeed for life, but for such a period as was deemed sufficient to insure their independence from the public feeling of the moment. The House of Commons had adopted the principle of his proposition, but, as it appeared to him, the machinery by which they intended to carry that principle into practice did not go far enough. There was another part of this Amendment on which he felt strongly, and he must also add deeply, and that was the continuance of the present Aldermen, or the present holders of municipal authority for life. He regretted to find that the House of Commons had objected to that part of their Amendment. He looked at this Bill, and he then asked himself, what was the professed object of those who had brought it in? It was not to annul Corporations—it was not to rescind the Charters of Corporations, but it was, as he understood it, to amend the existing state of Corporations. He asked the framers of this Bill—and it was only a natural question to ask them—in what respect the Corporations had proved themselves to be defective? What were the charges made against these Corporations? What, too, were the defects which they were called upon to remedy? He had looked at the Reports of the Commissioners—he had attended to the arguments of noble Lords—he had likewise read, as they appeared in the public journals, the arguments of hon. Members in the House of Commons; and the charges and the defects mentioned in those Reports and in those arguments, resolved themselves into four different classes. The first was, self-election; the second, the faulty administration of the public funds by the members of the Corporation; the third, that the Corporations had not sufficient powers for local purposes; and the fourth, the defective administration of justice. These four classes embraced all the substantial objections against the Corporations. Now, if their Lordships were to amend these Charters and these Corporations, what ought they to take for their guide in their plans of amendment? They ought to look at the mischief to be remedied. They ought to look at the evil which existed, and assuming, for the sake of argument, the charges against the Corporations to be well founded, they must see what was the nature and extent of the evil in order to see what cure they ought to apply to it. Their Lordships would not be justified in going further than the cure of the disorder required. Their Lordships would not be justified in speculating upon points not brought into controversy, and he would therefore ask, why they should consent, without proof of the necessity of removing a single officer of the old Corporations, to remove all of them from office under the new Corporations; They had adopted the Clause in the Bill as brought from the Commons, appointing auditors of accounts, and so had provided against the future mal-appropriation of Corporate funds. They had adopted all the provisions in the Bill as brought from the Commons for the extension of powers to the Corporations for local purposes. They had adopted all the provisions in the Bill as brought from the Commons for the better administration of justice, and they had afforded an adequate remedy to the only source of complaint still left unredressed, by creating the large constituency for the election of the Town-council contained in this Bill. Why, then, should their Lordships go further? Why should they remove from office individuals who held their authority under Charter from the Crown, against whom no well-founded complaint had hitherto been made, and who had hitherto performed their duty respectably, ably, impartially, and to the satisfaction of those persons among whom they lived, and with whom they were connected? He thought that their Lordships had acted wisely in determining to continue to them the authority with which they were at present invested. That was the opinion which he had endeavoured with all his humble abilities to enforce upon the consideration of their Lordships during the discussions which they had had upon the Bill. That was the opinion which he honestly and sincerely entertained now, and if circumstances should arise which should compel him—feeling strongly upon this subject, and being convinced that justice required that this Amendment should be adhered to— to differ from several of his noble Friends for whom he felt the deepest respect, he must, whatever might be the result of the difference, act in conformity with his own opinion, and his own matured and deliberate judgment. He could not conceal from himself, and he would not conceal from their Lordships, that several of his noble Friends who he knew entertained the same opinions, and felt as strongly as he upon this subject, were inclined to look at some circumstances which had recently occurred in the other House of Parliament. The opinion which he had just expressed to their Lordships had found no support whatever in that House; on the contrary, it had been opposed by a right hon. Gentleman (Sir Robert Peel), in whom they were accustomed to place great confidence, and in whose judgment and experience they had every reliance. He could not, he repeated, conceal from himself that many noble Lords whose confidence he generally enjoyed, and for whom he felt great public and personal regard, did not feel themselves justified, after the course adopted by Sir Robert Peel, in objecting to the Amendment which the other House of Parliament had made upon the Amendment sent down to it from their Lordships. How those noble Lords might act was a point for themselves to decide. He had no doubt that they would act conscientiously, calmly, and prudently. He was, however, called upon to act for himself, and he should act upon his own judgment, and upon the opinions which he had honestly and sincerely advocated, for he felt that justice required that he should defend the Amendment which the Commons had rejected. He considered that that Amendment involved by far the most important question that had been agitated during these discussions. He considered that if this Amendment had been carried, no danger could have accrued from the other enactments of the Bill. At present he could not conceal from their Lordships the apprehensions which he entertained of danger from carrying it into effect. There were some other points contained in the Amendments now brought from the Commons which he considered most material and important. He, for one, must say, that he could not agree to fetter the prerogative of his Sovereign in the choice of Magistrates. He had heard no argument in that House, he had read no reasoning in the speeches made in the other House, calculated to convince him of the necessity of this Amendment. He admitted that it was necessary for the Crown to take the advice of its responsible servants respecting the choice of Magistrates. For instance, in appointing the Magistrates for counties, the Crown consulted the Lord-lieutenants of those counties. In appointing the Magistrates for boroughs, it consulted the Mayor or other local authorities of the borough, but he could not on that account agree to fetter by law the appointment of the Crown, so as to deprive it of the power of appointing any Magistrates save those elected by the Council. That was a point which he considered it absolutely impossible for their Lordships to accede to. It was a point to which (speaking for himself individually) nothing on earth should induce him to consent. He felt that he owed it as a matter of personal duty to the Sovereign, who had conferred so many favours upon him, who had loaded him, he might say, with obligations, to defend his prerogative against all assailants. It was material to do so at all times, and at this time, in his opinion, more so than any other. There was also a question respecting the division of the towns into wards, but he would not enter into it at present, as it must be matter of further consideration when the details of those Amendments came under the notice of their Lordships. He thought that the arrangement which their Lordships had made was a much better arrangement than that which had been proposed in the other House. There was a third, and only a third point, to which he wished to call the attention of the House. [*Laughter on the Ministerial benches.*] Oh! the Town-clerks. He did not know why that should provoke the laughter on the opposite benches, but if it was at his expense, the noble Lords were at full liberty to laugh on. He and the noble Lords with whom he acted, meant to modify their proposition on this point. Some of the Town-clerks hold office during pleasure, and others during life. These last had a freehold in their offices. They had shown themselves able and competent to the discharge of their respective duties. Why, then should they be divested of their situations? Why should they be turned out of their different offices? Why should their Lordships assume, that they would not discharge their duties to the new Corporations as faithfully as they had discharged them to the old? He was sure that their Lordships would not sanction such injustice. He hoped, that upon this point at least, the Commons would meet them in the spirit of conciliation. Their Lordships were ready to give up to the Commons those Town-clerks who held their places during pleasure, and in return they felt that they had a right to demand of the Commons, that they would not violate the rights of property, that they would not infringe upon the freeholds of individuals. He did hope, that acting in the spirit of conciliation, the Commons would concede on this point to their Lordships. Allow me now, in conclusion, my Lords, (the noble Lord continued) to say a word as to myself. Your Lordships must be aware how much I have been assailed during these discussions both in and out of Parliament., and how many attacks have been made upon me personally, on account of the course which I have felt it to be my duty to pursue with regard to this Bill. "Allow me also to say, that I should not be ashamed to have been a volunteer in my attacks upon this Bill; but the fact is, that I have been no volunteer. Many noble Lords with whom I have been in the habit of acting for years, and who thought that from my professional habits I was calculated to lead their efforts to a successful resistance against the objectionable Clauses in this Bill, requested me to undertake the management of the opposition to it; I yielded to their solicitations, and having done so, I have endeavoured to discharge my duty to them and to my country, firmly, strenuously, and to the best of my ability. I have been charged with having some party views to accomplish, some indirect ambition to gratify by this opposition. I deny it once, and for ever; all my ambition has long since been satisfied. I have twice, to borrow a phrase from these Municipal Corporations, passed that Chair (pointing to the Woolsack)—I have twice, to borrow a phrase from a successful revolutionary usurper, had that splendid bauble (pointing to the mace behind the Speaker) before me. Whatever ambitious views I may have had in early life, have all been fulfilled. My ambition has been gratified. I have no wishes unfulfilled."

Lord *Brougham* was understood to say, that it was not his intention to deviate from the calm and moderate tone observed by his noble and learned Friend, in his able and judicious speech. But, in consequence of the part which he had himself taken in the discussion of this great question, it became his duty shortly to state the view which he took of the treatment which this Bill had met both in that House and in the other House of Parliament, nor should he willingly discharge his duty, nor would it be satisfactory to his noble and learned Friend, who had taken so distinguished a part in these discussions, nor to their Lordships generally, if he were to abstain from declaring in what light he regarded the alterations which had been made in this Bill by their Lordships, and the refusal to adopt a portion of them, which had been given by the Commons. He need not go back to the debates which occurred three weeks ago, to remind their Lordships of the great importance which his noble and learned Friend and himself attached to the first of the two very important alterations which their Lordships effected in this Bill, as sent up to them originally from the Commons. He had then, as their Lordships all knew, opposed those alterations. He had already explained the grounds of his opposition, and the reasons which induced him to maintain that they were great and marring deteriorations of the Bill. He retained now the opinions which he had then expressed. His noble and learned Friend considered, and considered very justly, that very great alterations had been made by the House of Commons, in the Amendments adopted by their Lordships. For his own part, he had no hesitation in avowing, that the Bill was a much better Bill before the alterations were made in it, than it was at present; and he was sure that their Lordships would not suppose that he partook of that satisfaction which his noble and learned Friend had expressed, upon seeing the success of his own attempts. It was the less necessary for him to re-state, upon this occasion, his reasons for opposing the Amendments of his noble and learned Friend, since they were the same now as they were formerly, and since he had had an opportunity, in conformity with a regulation of their Lordships, of recording on their Journals, in an authentic shape, the reasons which induced him to think that the Bill sent up to them from the Commons, was rendered much worse by the alterations which it received at the hands of their Lordships; and to lament that the other House of Parliament had deemed it consistent with its sense of duty, to adopt those alterations. The next point to which he wished to call the attention of their Lordships, related to the point of qualification. Here, he thought, that the House of Commons had done well; and he trusted that their Lordships would accede to the Amendment which that House had made upon their Amendment. He had objected to the Amendment of his noble and learned Friend, which provided that the members of the Town-council should be elected out of that sixth-part of the electors who paid the largest amount of rates, upon principles which he had oftentimes repeated in that House; but when he heard the Amendment of his other noble and learned Friend (the Earl of Devon), which provided an alternative of a qualification of 1,000*l.* in towns of a certain magnitude, and of 500*l.* in towns below that magnitude, he was immediately aware that an end was put to that bad and pernicious, and he would add, in spite of what had fallen from his noble and learned Friend,—that unprecedented principle. For to say that you would leave only one narrow chink, through which the parties, capable of being elected, should enter; and at the same time to open wide two doors, through which any one might walk without hindrance into the constituency,—to say that that chink signified anything after you had opened wide two doors for the general constituency, was, to all practical purposes, pure and undefecated nonsense. He lamented that the House of Commons had made any alteration in the qualification to which his noble and learned Friend had referred. He thought, that by the alterations which the House of Commons had made, it had left one of the two apertures or doors much narrower even than his noble and learned Friend had left it. Whether the patrons of this change on what their Lordships had changed before, were aware of what they were doing, he could not conjecture; but whether they saw it or not, this he would say, that they had raised the qualification fixed by the Lords, instead of lowering it, and had rendered it more difficult of entry than it would have been according to the plan of his noble and learned Friend, had he not opened a folding door for the largest constituency to pass through. But as the folding door was now opened, it was of no importance whether the chink was reduced to six inches, since the alternative of qualifying himself by the possession of 1,000*l.* or of 500*l.*, as the case might be, was left to him who was not rated at 30*l.* or 15*l.* He thought that the alteration made in the Commons, founded upon an alteration made in another Clause by his noble and learned Friend, was an unfortunate alteration, which would lead to endless litigation—he meant that alteration which required from the members of the Town-council a continuing qualification. [Lord *Lyndhurst*: You forced that alteration on me.] No, it was concerning the old Aldermen that he wished to enforce that alteration. God forbid that he should have wished to enforce it againt the members of the Town-council, who were to be freely elected by a popular constituency. His noble Friend wished to enforce this continuing qualification against the new Council. Now, if he did so, what would be the consequences? Among many other questions which would arise from this alteration, this would be one. An Act, say of disputable policy, was resolved upon by the Council. Immediately thereupon a question would arise, "were the majority who agreed to that Act, entitled to vote upon it?" Then would come a questioning as to the amount of property held by each individual member of the Council. He regretted this exceedingly, as it must lead to almost endless litigation; and he must say, that it appeared to him, that the Clause would have been a better Clause, had it been left by the Commons as it was sent down to them by his noble and learned Friend on the other side of the House. He next came to that part of his noble and learned Friend's speech, in which he had spoken of the great improvement which the Bill had derived from getting rid of those Clauses which gave the Town-council the power of licensing public-houses. His noble and learned Friend was glad that those Clauses were not re-inserted by the House of Commons. He could have wished that, when the House of Commons was about it, it had refused its assent to these Clauses also. It was not quite correct in his noble and learned Friend to say, that the noble Lords on that, the Ministerial side of the House, had only feebly opposed the Amendment to get rid of these Clauses. [Lord *Lyndhurst*: In comparison.] He differed from his noble and learned Friend entirely. He opposed it most strenuously. He thought that it was a most admirable occasion to try to establish a licensing system for public-houses, on principles which he was sure would be adopted some day before long. The Legislature had tried the licensing of public-houses by magistrates, both in counties and in corporations. In all places, that power was liable to abuses—in none was it so exercised as to give satisfaction. He therefore advised their Lordships to take a plain and obvious course. Let those persons most interested in the good government of public-houses — he meant the respectable inhabitants of the town in which they were situate—decide whether a licence to keep a public-house should be granted to A or not. If they, knowing the House which A keeps, the company which frequent his house, the hours at which it is opened and is closed—if they, knowing the feeling and sense of the neighbourhood to be in his favour, think that his licence ought to be renewed, let it be renewed; but if not, if he should be condemned by his Peers, let the licence go. He was rather sorry then that the alteration of the Bill, made on this subject by their Lordships, which he did not look upon as any Amendment, had been acceded to by the other House of Parliament. A word or two had been said by his noble and learned Friend on the subject of charities. He (Lord Brougham) rejoiced that no opposition had been given by the Commons to this part of their Lordships' Amendments. It was not, however, fair in his noble and learned Friend, in treating of this Bill with the Charity Clauses as it came from the Commons, to forget certain circumstances of which he must, as a matter of public duty, remind his noble Friend. It was never intended that this Bill should remain as it was sent up from the Commons respecting the management of charities and charitable funds. It had been stated by him very early in these discussions, that if the Bill should come up to their Lordships in the shape in which it was originally introduced into the Commons on this very subject of charities, he should be under the necessity of either adding to it fresh Clauses, or of introducing another Bill for the better administration of charities, which should go on with it *pari passu.* That proposition was acceded to by his noble Friend who introduced this Bill into the House of Commons; and his noble Friend, to whom he communicated the Clauses of the Bill which he himself intended to introduce, said that those Clauses were very fit to be adopted, and that if he did not insert them in his Bill, he would introduce them into another, which was to proceed *pari passu* with it. This was what he learned from the statement in the newspapers, as he had never had any communication with his Majesty's Ministers on the subject, except in his place in that House. It was not correct in his noble Friend to say that the Bill, as sent from the Commons, was so defective in its provisions respecting charities. It was only right, however, to admit that an idea had struck his noble Friend behind him, that we ought to suspend that particular portion of the Bill, in order to consider the general Clauses which it contained. The last of his noble and learned Friend's observations related to the election of justices of the peace by the Town-council. His noble and learned Friend had said that the alteration which had been made in this part of the Bill by their Lordships, and which had not been adopted by the Commons, was most important.

Lord *Lyndhurst* reminded his noble and learned Friend, that he was omitting the observations which he had made on the Amendment, which took from members of the Town-council, being Dissenters, the right of disposing of the presentations to livings of the Established Church which might become vacant, and were in the gift of our Municipal Corporations.

Lord *Brougham* said, that he was not one of those who thought that the Amendment proposed by his noble and learned Friend on the Clause on this subject contained in the original Bill would operate injuriously in practice. His objection to that Amendment was an objection of principle. It was stigmatizing the whole body of Dissenters—it was a total departure from the late Act of Toleration, and he ought to beg pardon for using that word "toleration," especially as it had now become obsolete and offensive — it was contrary to the spirit of the Act for the repeal of the Test and Corporation Acts—it was reviving a religious test for religious opinions, which he trusted that we had got rid of for ever, and which had not existed in our legislation since the year 1828. His feeling on this subject had been much increased by the labour of those right rev. Prelates who on a former evening had expended a few sentences, as they said, to the demolition of his noble Friend near him. He was sorry that those right rev. Prelates were not present, who had made use of that expression. He was the more sorry as in that demolition, with which they had threatened his noble Friend, but which had not yet taken place, they had raised a strong objection to the very Amendment which they were themselves proposing. That Amendment was put on a most offensive footing by a right rev. Prelate, who said, "True it is that you Dissenters may purchase the advowsons of livings, and may present to the livings you purchase, but we cannot give you, and we will not give you Dissenters, any power over the patronage of Church livings in the gift of Corporations, for you will present a bad parson in order that you may have a better opportunity of destroying the Church." Such an argument as that had greatly augmented his repugnance to the Amendment proposed by his noble and learned Friend. He too, as well as his noble and learned Friend, had thrown out suggestions for the adoption of the very course which the House of Commons had since adopted. He too had suggested the sale of the advowsons; but admitting the correctness of these suggestions, he must object to that part of the Clause which gave to the diocesan the intermediate power of nomination to those livings. The observations which had fallen from his noble and learned Friend that night had strengthened the objections which he felt to part of this Clause. The House of Commons, it appeared, differed in opinion from him, and had vested the intermediate power of nomination in the hands of the Bishops. He must say, that he looked upon that arrangement as peculiarly unfortunate. The next point to which his noble and learned Friend had referred was that Amendment which created Aldermen for life. He rejoiced that the House of Commons had not retained the Aldermen for life. His noble and learned Friend had said this Amendment was the best Amendment which he had introduced into the Bill. On the contrary, he must say, that it was the very worst of all his Amendments. His noble and learned Friend placed it at the head of the improvements which he had introduced into the Bill. He placed it at zero, and rejoiced beyond measure that the other House of Parliament had negatived it. Enough, and far more than enough, had been done to injure this Bill. The insertion of that Amendment would have left it doubtful on his mind whether it would not have been better to give up the Bill altogether than to take it with such a Clause forming part of it. Indeed, that was an opinion which he did not know whether he ought not to express at present, in consequence of the Amendments which had been made by their Lordships, and, in his opinion, unfortunately adopted by the other House of Parliament. He called upon their Lordships to consider the state in which this Bill would be left, if their Lordships should think fit to reject, as he hoped they would not, the Amendments of the Commons. It was not good that a Bill should be altered in its important parts by any persons except those who originally framed it. For if it were altered in important parts by other persons, discrepancies were sure to creep in, of which the evil was not seen at first. Now, their Lordships were not restoring this Clause at present to its original state, but only to half its original state. Its original state was having no Aldermen at all. Their Lordships had engrafted upon the original Clause not only Aldermen, but also Aldermen for life, and what was worst of all, the existing race of Aldermen for life. What had the House of Commons done with the Clause on which these excrescences were grafted? He thought that the House of Commons had taken a most unfortunate course, and without meaning any disrespect to that House, a course that was neither very artistlike nor very prudent. He called upon their Lordships to pursue one of these two courses—either to stick to the Bill, and have no Aldermen at all—which would be an intelligible and, as he thought, the best and most conciliatory course—or to adhere to their Clause appointing not only Aldermen, but also Aldermen for life, and those, too, the present race of Aldermen, which he thought would be a consistent, though not a very rational course. The middle course was pregnant with inconvenience of every description—was inconsistent with the principle of the Bill and with its details, and would not work well either with the original Bill or with the Amendments engrafted upon it by their Lordships. His noble and learned Friend had also said a few words in support of the Amendment for continuing the present Town-clerks in office for life. He had given his opinion so often on that point, in the course of these discussions, that he was almost ashamed to repeat it now. He (Lord Brougham) would not keep the present Town-clerks in their respective offices. At any rate, he would not convert into Town-clerks for life those who at present held their offices only during pleasure. It was treating these new Corporations very oddly to give them a tool with which they could not work—a tool which, if blunt, they could not sharpen—which, if rusty, they could not polish—which they could not replace if its handle were lost, broken, or decayed. What was the proposition of his noble and learned Friend? That these new Councils should keep for the term of their natural lives all the existing Town-clerks—that they should have no control over them, no power of dismissal. [Lord *Lyndhurst*: "In cases of incapacity they might be dismissed."] He thanked his noble Friend for the admission. In case these Town-clerks were utterly incapable, they were to be dismissed, but not otherwise! He would tell his noble Friend, however, that parties always went on best together when there was confidence on one side and dependence on the other. But let their Lordships mark the inconsistency of his noble and learned Friend's proposition. If the Town-council found that they had an officer of whom they could not get rid, they would determine to give him no salary, and as this Bill did not compel them to pay a salary to the Town-clerk, they would thus, in all probability, rid themselves of his services. Next with regard to the nomination of Magistrates by the Town-councils. He thought that his noble and learned Friend set too great store on the Amendment made on this head by their Lordships. There was nothing in this Clause as it stood originally like an attempt to force a set of Magistrates nominated by the Council on the Crown. Three persons were to be nominated by the Council, and proposed to the Crown. The Crown might reject them all. Then three more must be nominated and proposed to the Crown. The Crown might also reject these three, and so on *toties quoties*, till at last the Crown might indirectly attain all the objects of direct nomination. It was in his opinion showing great distrust of these new Councils to refuse them that power which every Lord-lieutenant of a county had at present—he meant the power of recommending the name of an individual to the Keeper of the Great Seal as that of a fit person to be inserted in the Commission of the Peace. The noble and learned Lord then proceeded:—"Like my noble and learned Friend, I, too, can say that I have enjoyed the full and entire confidence of my most gracious Sovereign, and I must therefore be, like him, averse to lending my support to any measure which is likely to trench upon his just prerogative. But all depends upon the justness of the prerogative. I am sure that his Majesty, who is as well acquainted as any, the most learned of his subjects, with his just rights and prerogatives, would be the last man in his dominions to think that the recommendation of any individual's capacity to act as a Magistrate, made by the municipality in which he resided, was an infringement upon any of his just rights and prerogatives. We are now, my Lords, approaching the close of this long, and in some of its stages, fierce contention, and in all of its stages most important discussion. My Lords, I stand myself in a situation somewhat similar to that in which my noble and learned Friend says that he stands. [A *Noble Lord:* You have said nothing about the division into wards.] Well then, with respect to wards, I admit that the alterations made by the Commons are important, and I concur with my noble Friend, the noble Viscount near me, who this evening made as temperate and convincing a speech as man could either make or hear, that the Question relating to the division into wards is a question which challenges the most mature investigation. It is one on which we set great store, and I therefore hope that your Lordships will give to the alteration which the Commons have proposed in our Amendment the most candid and impartial consideration. To return, however, to the point, from which the noble Lord somewhat irregularly compelled me to deviate. My noble and learned Friend has adverted to the peculiarity of his own position at this moment. He says that he came forward as no volunteer to this work, but that if he had come forward as a volunteer, he should not have been ashamed of having done so. I will add, that if my noble and learned Friend had been a volunteer, it would only have done him honour to have taken at once that lead which his great talent, his vast experience, and his great weight among your Lordships entitle him to take now and for ever. But my noble and learned Friend, as he truly tells you, was not a volunteer in this cause. He was solicited by his friends, and if that solicitation does credit to him, who wanted it not, it also does credit to those who know my noble and learned Friend's merits and want his services. My noble and learned Friend's assiduity and application, his talents, his acuteness, his success on this occasion before your Lordships, all attest the soundness of judgment which made choice of him as the manager of the opposition against this Bill, and do credit to his mental qualities, inasmuch as they demonstrate the weight which he has obtained, and justly obtained, among your Lordships. I differ from my noble and learned Friend, wide as the poles asunder, upon this as upon many other subjects which occupy the time of all men both in and out of Parliament, and which occasion in many instances the severance of private friendships and the dissolution of party connexions. No difference of opinion, however, between my noble and learned Friend and myself, will make me conceal, suppress, or, to please any party, mitigate the feeling of admiration which I have for his talents whenever I see them exerted according to the principles of him who is endowed with them. There is one circumstance which, least of all, would induce me to conceal or suppress my admiration of the ability with which my noble and learned Friend has supported his attacks upon this Bill—I allude to the invectives, the violent invectives, which have been unjustly directed against him on the grounds that he has ambitious views, which do not inspire him, and which can little inspire any man who has risen to his height in the political world from a private station. Those attacks, those invectives, so far from sealing my lips to the praises of my noble and learned Friend, are the strongest stimulants to induce me to deliver my opinions. I, too, my Lords, have been attacked; but to me to be attacked in the discharge of my duty by those whom I every hour help, in every possible way, is so familiar, that it is like the air I breathe—sometimes more wholesome than at others, sometimes more oppressive—oftentimes tainted with miasmata, oftentimes bearing infection on its wings—an evil in the constitution of the atmosphere which he who breathes it must take it into his account occasionally to inhale. My noble and learned Friend says, and I believe says justly, that he has reached the pinnacle of professional ambition, and then asks, 'What more can I have to desire?' My Lords, I can for myself say the very same thing. I too, have been attacked. I do not now allude to the grotesque and ludicrous, and I may even add farcical representation, of the grounds on which it is said that I now give my support, my disinterested support, to his Majesty's Government. Many persons say, and some few silly persons believe, that there is an arrangement between my noble friend and myself, by which I am to give my support to the Government, and by which a noble kinsman of mine is to be sent out as Governor of Bengal. My noble friend near me is more surprised at this rumour, I believe, than my noble kinsman—for my noble kinsman knows, first, that I was anxious that he should not go, and that another personage should go, as Governor-General to Bengal. So much for that. But another charge against me is, that I was tired of holding the great seal, and that I wished to be, and am intriguing to become, Prime Minister of this country, thinking that to be the only object within the scope of a man's personal ambition that is worth fighting for. To which I make answer that my battles are over—that my fight is fought—and that I shall turn with all speed my political sword and spear into the ploughshare and the pruning-hook, for I have no ambition to fight for that office, which is so ably, so admirably, but I am afraid that I cannot add, so cheerfully filled, by my valued Friend, the noble Viscount near me. Both he and I have lived to know that in that political career in which he now is, and in which both of us have run, there is pain, there is suffering, there is every kind of everyday annoyance, which no more ceases when you quit the restless wave of office and get upon the steadier dry land of private life, than the motion of the vessel ceases to harass the brain after you have quitted your bark and landed once more upon the shore. But these annoyances come to my noble and learned Friend in no stronger degree than they come to myself. Of both the one and the other I am now happily, at least in my own mind, rid. I discharge my duty to my country and my duty to my own conscience, claiming the confidence of the one, but whether or not I shall have that confidence I cannot say, though I prize it above all other satisfactions except that which I must mention—I discharge those duties with the perfect approbation of my own conscience.

The Duke of *Wellington* felt no disposition to detain their Lordships at any length upon the present occasion, and he could assure their Lordships he was most peculiarly anxious not to disturb the temper with which this discussion had been carried forward. But is was impossible for him to allow that discussion to close without adverting to some of the topics which had already arisen in the debates. He entirely agreed in the character which had been given by his noble and learned Friend (Lord Lyndhurst) of the Amendments in general which had been made by the Commons' House of Parliament, not in the Bill, but in the Amendments which had been proposed and adopted in this House. Most particularly did he agree in the observations which had fallen from his noble and learned Friend upon the Amendment made by the Commons with regard to the Aldermen for life. He (the Duke of Wellington) was one of those who had taken great pains, when first the papers connected with this measure had been communicated to their Lordships, to make himself master of all the information those documents contained, and he must say, that having perused all those documents, he had come to the conclusion, that instead of there being much to allege against the ancient corporations of the kingdom, it was astonishing how little could be stated against them. The real impression on his mind was, that nothing could be alleged against those bodies except the circumstances which related to the election of Members of Parliament previous to the adoption and passing of the Reform Bill. If those allegations had been struck out of the Reports of the Commissioners, there would exist, in fact, no charge against the constitution of the ancient Corporations of this country. Under these circumstances, when he first saw this Bill, and had examined the extent to which it was carried, he did think that the measure was so far one of injustice, which ought not to be adopted by this House. It was with these sentiments that he had entered into the discussion of this Bill; nay, before it came up to their Lordships' House from the other House of Parliament, he had felt that it would be impossible for this House to entertain or consider a measure, the principle of which was the putting an end to existing interests which he believed ought to be preserved. While he conceived that the rights of property should be regarded, he also was of opinion that that system of exclusion which characterized ancient Corporations should not be carried further than was absolutely necessary, and that in order to carry the principle of the Bill into execution, an end should be put to the system of self-election, and that other provisions corresponding with that principle should be adopted. It was on these grounds and on that principle that he had agreed with his noble and learned Friend in proposing to their Lordships both the qualification on the principle adopted by the House of Commons and the other provisions for the continuance of the Aldermen in existing Corporations for life. He had most certainly felt, that not only was it desirable that the ancient Corporations should not wholly be destroyed, without care being taken of the interests of those who held them under royal charters, but also that in the new Corporations, in the new Councils, it was desirable that interests for life should be preserved or created to meet the democratic influence which was raised under other provisions of this Bill. With respect to that part of the measure which went to secure the interests of those who held their offices as Aldermen for life under the ancient Corporations, he confessed he believed that when both this and the other House of Parliament came fairly to the consideration of this Question, both Houses would adopt the principle of preserving the interests of those who held for life under ancient charters. He was sorry, however, to find not only that it was not the opinion of the majority, but that it did not seem the opinion of any man in the other House, that those interests should be preserved. It appeared that they had been unanimously given up, and he conceived it would be nugatory for their Lordships to contend for the adoption of that principle. He could not express the sorrow and concern with which he made this statement to their Lordships. He acted in this respect on the principle of preserving rights and property in this country, and he would say, that the rights of the Aldermen of the ancient Corporations under charters granted by the Crown were as valid rights as those which their Lordships themselves enjoyed, and under which they held their seats in that House. Of those rights he confessed he would never be a party to the abandonment. He had stated this when first the measure had been brought under the consideration of their Lordships — he entertained the same opinion after the discussions which had taken place in this and the other House of Parliament, and he conceived that in other respects the adoption of the principle for which he contended would be useful to the new Councils—would tend much to the regularity of the business proceedings of the Corporate Bodies, and at the same time become the means thereby of preserving the rights of both the old and new Corporate Bodies. The House of Commons had, however, decided, and he believed almost unanimously, against such a proposition; but, at the same time, they had sent up a proposal for the consideration of their Lordships, which went to the establishment of a body of Aldermen to be elected for a certain number of years by the Town-council, instead of by popular election — a proposal which he certainly must say (although he did not approve of that measure) he preferred to that which was originally contained in the Bill sent up to their Lordships by the Commons. He admitted that he should have preferred that the parties now holding office should be continued for their lives, though selected by the new Council; yet, failing this, he was rejoiced to find that the Aldermen were to be elected by what he might call a secondary election, instead of being chosen by the popular voice. On the other points touching the Amendments, he did not feel it necessary that he should long detain their Lordships, the more especially as all those topics had been entered into with great detail and ability by his noble and learned Friend. But in answer to the noble and learned Lord opposite (Lord Brougham) upon the subject of justices to be recommended to the Crown for selection, he must observe that the Lord-lieutenants of counties had no powers by law to recommend to his Majesty parties to whom the Commission of the Peace ought to issue, and it was only to the *custos rotulorum* of a county that this power was by courtesy conceded. Neither was the Lord-lieutenant of a county responsible for the selection of the magistracy—that responsibility rested upon the Lord Chancellor who appointed them, and he contended that this principle would be better followed than by fixing the nomination of the parties in responsible individuals, as, for instance, the holder of the Great Seal, who would be answerable, rather than in a Town-council, as proposed by the House of Commons, which Town-council would be wholly irresponsible. In the paper of reasons for disagreeing with their Lordships' Amendments, it was stated that those persons who recommended individuals for the magisterial appointments should be held responsible. Did ever anybody hear of a Town-council being a responsible body? That Council might possibly consist of from eighteen to fifty individuals, and was each and every one of these to be held responsible for those whom the majority of the body might recommend to the Crown for selection? Such a proposition was quite impossible in point of practice, and monstrous and nugatory in effect. Upon the point with regard to the division of the towns into wards, he must remark, that this had nothing whatever to do with the prescribed qualification with which it had been mixed up. He concurred in the principle of a qualification of 1,000*l.* in large towns, and 500*l.* in smaller towns; but this consideration was, in his judgment, wholly apart from the subject of the division of towns into wards. He wished not unnecessarily to trespass upon their Lordships' attention, but he had been anxious thus to express himself upon that part of the Bill which related to the Aldermen. He could not avoid adverting to what had been stated by his noble and learned Friend, and by the noble and learned Lord opposite, upon the subject of the attacks which had been made upon his noble and learned Friend. He would not weaken what had been stated by both those noble and learned Lords by attempting a panegyric upon the talent, the ability, the firmness of purpose, and the determination, of his noble and learned Friend, in carrying through these Amendments, but he would admit that he was the person who solicited his noble and learned Friend to undertake the management of those Amendments. He had made that solicitation, and that request, well knowing the talent, the ability, the capacity for business, the great legal acquirements, the eloquence, and the influence which his noble and learned Friend justly possessed in their Lordships House; and if there was anything wrong in making that request, or if his noble and learned Friend had been erroneous in the course of his Amendments, he was responsible for them—responsible equally in character with his noble and learned Friend. He repeated, that he was the person who had solicited his noble and learned Friend to come forward on this occasion.

The Earl of *Ripon* entirely concurred in what had been stated by the noble Duke who had just sat down, as to the manner in which the present discussion had been pursued. Their Lordships had not been influenced by any of those paltry considerations so lavishly attributed to them, and he could not suppose that even the majority, from whom he in some instances had differed upon this question, had any other object in view, but to give their best aid to improve a measure which, on general principles, they believed to be desirable, and conformable to the well-understood expectations and wishes of the people. Nothing could be more unfounded, more unjust, more unconstitutional, or more absurd, than the arguments, the calumnies, and the threats which had been held out against their Lordships, because it had thought proper to do that which they had felt to be their duty. He stated thus much with the more confidence, because he himself had not agreed to all the Amendments which had been carried by the House, and because he was not prepared to go the whole way with his noble and learned Friend, who had spoken just now. There existed two points of difference. The first was with respect to the retention of the rights of Aldermen for life. He had voted against such a retention, and it did not now appear to him that such was necessary on a principle of justice; on the contrary, they ought, in his opinion, to be made subject to election. He did not conceive that the retention of the office by those now in power could be dealt with as a matter of expediency. He had voted against the proposition, and he was prepared to acquiesce in the Amendment which the House of Commons had adopted, and proposed for adoption to this House. With respect to the question of church patronage, he was not quite clear; he felt it involved matter of great difficulty, but he did think that the proposition of the Commons' House of Parliament afforded the best means of settling that difficult question. He was one of those who thought that corporate bodies were not the best depositaries of ecclesiastical patronage. It naturally would lead to that system of jobbing, which could only be cured by a revolution in the manners of the people—a revolution which he did not expect to live to see. He thought that the clause proposed in the Commons relieved the Corporation from the inconvenient burden of church patronage, and placed in their hands funds which would doubtless be more useful to the boroughs. He therefore rejoiced to be able to assent to the plan which had a great number of fathers, of whom he claimed to be one, and which he hoped would be received with that favour in this House, which had carried it through the House of Commons. With regard to the question of the appointment of justices, he was not satisfied with the Amendment which the House of Commons had made. He concurred with the noble and learned Lords (Lord Lyndhurst and Lord Brougham) in this respect; but he looked to the manner in which their Lordships had firmly and manfully performed their duty, performed it in a way which had produced a manifest and most important improvement in the Bill. He confessed he was not sanguine as to the reception the Bill, as amended, would receive elsewhere; there had been, however, every inclination, every disposition to compromise, and thus had been avoided a fatal blow to the harmony between the two Houses of the Legislature, and the consequent interference with the constitutional government of the country. In this anticipation he was happily disappointed. Under all existing circumstances, he was ready to acquiesce in the Amendments which the Commons had made, in the hope that by doing so he should put an end to the knotty and difficult questions which some prejudged, but in which, so far as regarded fears, he could not participate. He entertained no fears, but, on the contrary, he believed by this measure it would be found that provisions of great importance could, by firmness, resolution, and at the same time conciliation, be carried through the Legislature, without leading to that dangerous collision by which the basis of the constitution of this country would be overturned.

The Amendments upon the Lords' Amendments were proceeded through *seriatim*, and up to Clause 39 were agreed to.

Clause 40, regulating the division of towns into wards, was postponed.

The Commons' Amendments to Clauses 43, 44, 48, 49, 51, 52, 54, 55, and 58, were agreed to.

On the Amendment to the 59th Clause, which omitted that part of the Lords' Amendment which negatived the continuance in office of Town-clerks who held their offices for life or during good behaviour,

The Earl of *Devon* said, he could not consent to this Amendment. The Town-clerks, who held during good behaviour, might be considered as having a freehold in their situations, of which they ought not to be deprived, except for some fault, and none had been here imputed. He did not know how he could come at his object (as their Lordships could not move an Amendment upon their own Amendment), except by moving that the words in the Clause which fixed the election of Town-clerks for the 9th of November should be omitted.

The consideration of the Clause was postponed.

The Amendments to Clauses 66, 70, 93, and 96, were agreed to.

On the Amendment of the Commons to Clause 99, which was to the effect that the Town-councils of such towns as his Majesty should authorize in that behalf, should name a certain number of fit and proper persons to act as justices in those towns, and that his Majesty should select from the list so presented, such number as he should think proper, to be in the commission of the peace, and act as justices for such towns,

Lord *Abinger* objected to the Amendment of the Commons, which he considered a limitation of the prerogative of the Crown, inasmuch as it restricted the choice of the Crown to those persons whom the Council might select. The choice of the Crown of those who were to administer justice ought to be wholly free and without restriction—but here they were restricted, and on these grounds he should object to the Amendment.

Lord *Brougham* would ask his noble and learned friend for the sake of information, whether he could name one instance in any of the 186 Corporations named in this Bill, in which the Crown had the right of appointing the magistrates? It was true the original charters might have named the first individuals who exercised the office of magistrates, but ever since they had been named by the Corporations. But this Bill would not take away any power from the Crown, for it could not be said that the appointment was in the Crown, because the other branches of the Legislature concurred in it.

The Duke of *Wellington* observed, that the noble and learned Lord seemed to think that the appointments under this Bill were to be as they were formerly. By the ancient charters the magistrates were appointed in the first instance by the Crown, and were named in the charters; after which the Corporations named their successors, and this nomination procured for them the confidence of the Crown; but an objection was raised to this system of self-election, and the present Bill took away that system. What was the natural consequence? It was, that the appointment should revert back to the Crown, from which it emanated. There was no instance in any part of the world as an election by the people of the magistrates by whom they were to be governed.

The Earl of *Radnor* said, that there were Corporations in this country whose magistrates were not originally appointed in the charter, but who had the power to elect their own magistrates. He was a member of one of such Corporations.

The Earl of *Winchilsea* said, that the great object was to prevent the sources of justice from being tainted with partiality and party spirit. The minority would not think that justice was done, and confidence would thus be destroyed.

Lord *Denman* observed, it had been supposed that the scheme in the Bill was without precedent. Now, the magistrates of the city of London, the aldermen, were elected by the scot and lot voters, and frequently there were contested elections, conducted with the greatest asperity; yet he never had heard that the administration of justice in the city of London was open to exception. Under a great number of charters elsewhere, aldermen were elected by a large constituency; and he had never heard it to be suspected that justice was tainted under these popular elections. But, in fact, here it was not a popular election; a certain number of persons were to be elected, from which the Crown might select.

Lord *Plunkett* said, under the existing law Corporations had the right of nominating magistrates, and the Crown had no right to interfere with the elections, or to remove. Then by the Bill this was altered, and guarding the prerogative of the Crown, the Bill required that the magistrates should be approved by the Crown. The Crown, under this Bill, could say, "You shall not appoint magistrates without my approbation.'

Lord *Abinger* said, that the extraordinary argument he had contended against was, that as this alteration was by Act of Parliament, it was no infringement of the Crown's prerogatives. Then, it would be impossible for Parliament to infringe the prerogative. When an Act passed both Houses which invaded the rights of the Crown, the Crown had nothing to do but to consent. The Crown had the appointment of Judges and of Sheriffs. [A *Noble Lord:* "Coroners."] It was difficult to know what was the origin of the Coroner. But if they took away any part of the power the Crown now had, they invaded the prerogative of the Crown.

Lord *Brougham* said, that the doctrine that the Crown was the fountain of all honour and of all justice went a little too far. That it was the fountain of honour he granted; but he denied that all judges came originally from the Crown; for most undoubtedly freeholders, all tenants of the Crown, not *in capite* only, in county courts, had originally a right of election. Before the institution of justices of the peace, there were justices *in itinere,* and before that, there were conservators of the peace, and these were by the common law, and were elected without any doubt whatever. And this was the source of the error of those who thought the origin of justices of the peace was by the common law, instead of by statute, that of Edward 3rd. Conservators of the peace had many of the functions, not all, of justices of the peace, and they were by the common law elected by the county courts. The sheriff was not originally an officer of the Crown. The *comes* was the Earl, and he chose the *vicecomes.* With respect to the Coroner, he was always chosen by the freeholders; he (Lord Brougham) had never heard to the contrary, or that he was ever appointed by the Crown. But it was said the election of aldermen was an anomaly. What were the aldermen of Liverpool? Were they not elected?

Lord *Holland* would ask the noble and learned Lord whether Justices of the Peace being elected by the Crown was or was not an anomaly? The noble and learned Lord thought that the notion of Justices of the Peace under the common law was absurd. Yet the noble and learned Lord said that this Bill trenched on the prerogative of the Crown, this very prerogative being granted by Act of Parliament. If this was the nature of the prerogative, they were not trenching upon it; but even if they were, this was not the first time that both Houses had done so, and in this respect. All the charters in Ireland, he believed, rested on statutes granted by James 1st, since which they had been renewed by Acts of Parliament under Charles 2nd. Then these Acts of Parliament trenched on the prerogative.

Their Lordships divided on the Question that the Commons' Amendment be agreed to, when the numbers were, including proxies, Contents 82; Not contents 144;—Majority 62.

Commons' Amendment rejected.

List of the CONTENTS.

Melbourne
Lansdowne
Glenelg
Auckland
Duncannon
Clanricarde
Howard of Effingham
Minto
Hatherton
Lichfield
Headfort
Radnor
Leitrim
Albemarle
Conyngham
Plunkett
Mostyn
Ducie
Templemore
Strafford
Erroll
Ilchester
Holland
Foley
Saye and Sele
Scarborough
Teynham
Richmond
Brougham and Vaux
Thanet
Denman
Ripon
Charlemont
Dunally
Queensberry
Portland
Bishop of Bristol

PROXIES.

Mulgrave
Argyll
Sussex
Grey
Godolphin
Fitzwilliam
Falkland
Glenlyon
Shrewsbury
Leinster
Kinnaird
Anglesea
Oxford
King
Shannon
Devonshire
Ranfurly
Sutherland
Wellesley
Derby
Lyttleton
Cork
Western
Gosford
Camperdown
Durham
Clifden
Dorchester
Ludlow
Cleveland
Chichester
Northampton
Dormer
Granville
Segrave
Huntingdon
Yarborough
Fingal
Cloncurry
Spencer
Lilford
Nelson
Norwich
Lynedoch
Carlisle

PAIRED OFF.

DUKES.
Norfolk
Grafton
MARQUESSES.
Winchester
Tavistock
EARLS.
Suffolk
Essex
Dunmore
Egremont
Burlington
Morley
Craven
Roseberry

VISCOUNT.
Torrington
BISHOP.
Chichester
BARONS.
Sherborne
Gardiner
Poltimore
Belhaven
Dinorben
Dundas
Howden
Seaford
Suffield

The Amendments in the 104th, 106th, and 108th Clauses were agreed to.

Lord *Ellenborough* proposed, on the 40th Clause, that with a view of giving representation to the minority in towns, every town containing a population of 6,000 persons, which would give more than 600 votes, should be divided into wards.

Viscount *Melbourne* should certainly oppose the Amendment.

The House divided on Lord Ellenborough's Amendment. Contents 79; Not Contents 33;—Majority 46.

List of the NOT-CONTENTS.

Richmond
Lansdowne
Clanricarde
Conyngham
Queensberry
Errol
Ilchester
Holland
Foley
Saye and Sele
Scarborough
Teynham
Thanet
Denman
Charlemont
Melbourne
Glenelg
Auckland
Duncannon
Howard of Effingham
Minto
Hatherton
Lichfield
Radnor
Leitrim
Albemarle
Plunkett
Mostyn
Ducie
Templemore
Strafford
Headfort
Bishop of Bristol.

Lord *Wharncliffe* then moved that Alnwick be exempted from the operation of the Bill. That town had at present no corporate body, and if it desired any, it could under one of the Clauses obtain it by application to the Crown.

The Duke of *Northumberland* said, that 266 members of the corporate body of Alnwick had declared themselves against that town being included within the operation of the Bill, and not six were in favour of it. Out of a population of 6,000 not more than 300 attended the meeting from whence the application to be included in the Bill emanated. There were no means in the town of raising funds to meet the expenses incurred under this Bill; and as he was owner of fifteen-sixteenths of the parish, they would probably fall on himself.

Alnwick was struck out of the Bill.

On the Motion of the Earl of Devon, Yeovil was also struck out of the Bill.

The Earl of *Devon* moved, that the Amendment proposed by the Commons in the 59th Clause, which had been postponed, "the 9th day of November in this present year," should be disagreed to, and that the words introduced by their Lordships should be reinstated in the Clause—namely, "when a vacancy shall take place in the office of Town-clerk of such borough, or where there shall be no Town-clerk of such borough."

Viscount *Melbourne* had already told their Lordships what he feared would be the consequences of this Amendment. He had again to warn them of the imprudence they were about to commit. He had already declared that he was ready to give the Town-clerks full and fair compensation for all the emoluments which they would lose by the operation of this Bill, and once more he begged their Lordships not to persevere in rejecting the Amendments of the Commons.

The Marquess of *Salisbury* doubted whether by the Clause, as it stood in the Bill, compensation would be afforded to the Town-clerks who were deprived of their offices. The noble Viscount was of opinion that this was sufficiently secured, but other noble Lords, fully as competent to form a correct opinion as the noble Viscount, entertained a different feeling on the subject. The noble Viscount ought to agree to the proposition, so that the Town-clerks might be continued; and if it were deemed expedient to get rid of them, it would be easy to bring in a Bill to remove them, and at the same time secure them compensation.

The Duke of *Richmond* stated, that there could be no doubt, if even they made the present Town-clerks the holders of these several offices for life, the Town-councils might make their situation so disagreeable that they would be glad to resign. They might tell the Town-clerks that they should do business for nobody else, but should devote the whole of their professional labours to the town. They might also say, that the deeds of the corporation should not be drawn up by the Town-clerks. The question was, how any member of that House would like to have a solicitor forced on him. A solicitor engaged in business for any person must be one in whom he could place confidence; for if he did not, the solicitor became of no use. He knew many Town-clerks, and they were most respectable men, and he was sure they would be greatly dissatisfied that anything connected with the tenure of their offices, should lead to anything like a collision between the two Houses of Parliament. If these persons, also, were retained in their offices against the will of the Town-councils, their situation might be made so irksome that they would be glad to resign, by which means they would be deprived of all compensation. It was better, in a case of this kind, to leave the matter to the House of Commons. It must be clear to every body, that the House of Commons, however constituted, could not so far forget its own dignity and honour, as to neglect to settle the question of compensation. They had already disagreed on two or three of the Amendments of the Commons, which the House of Commons would not very much approve of; but he entreated the House not to seal the fate of the Bill, by adopting the proposition of the noble Earl. He was unconnected with party in that House, and he was only anxious that the question should be satisfactorily settled, and conciliation promoted.

The Marquess of *Londonderry* wished to ask the noble Duke whether he would like to be deprived of an office of great emolument, with the uncertain compensation proposed by the noble Viscount? The noble Viscount himself would not say whether such compensation would be given as these persons were justly entitled to, if they were deprived of their offices. He hoped the noble Duke would answer his question, and state his opinion on his honour.

The Duke of *Richmond* was desirous to legislate respecting the Town-clerks only, as he would be desirous that, under similar circumstances, they should legislate for him. Now, if he had an office in which he felt that he could not continue to act with honour and advantage, he would be quite ready to trust to the liberality of Parliament for compensation on resigning it.

Viscount *Canterbury* was anxious that their Lordships should stand on secure grounds in carrying into execution the object which they had in view. He doubted whether the Amendment proposed by his noble Friend would effect what was intended by it. The first proposition was to disagree with the Amendment of the House of Commons, for the purpose of introducing a subsequent Clause. That would be to reintroduce the Amendment originally made by their Lordships. The result would be, that every Town-clerk who now held office during pleasure, would hold it during life. He also called the attention of their Lordships to the assurance of the noble Viscount, that if the Town-clerks ceased to hold their offices, they would be liberally compensated. He did not think, therefore, that the gentlemen in question would be much benefited by a Parliamentary recognition of their claims. He, therefore, hoped their Lordships would pause before they rejected the Amendment which had been made by the House of Commons in this part of the Bill. Sixteen years' experience and practice had shown him how difficult it was in the House of Commons to deal with a number of Amendments made in a Bill by their Lordships. He was most anxious, therefore, that their Lordships should be aware of the real extent of the proposition on which they were about to decide. It went far beyond the intention of the noble Earl; and it could not promote the interests of persons who had the assurance of his Majesty's Government, that their fair, just, and legitimate claims should be attended to.

The Earl of *Devon* under these circumstances, would not press his Amendment.

Amendment withdrawn.

The Bill and Amendments having been gone through, a Committee was appointed to prepare reasons to be offered to the Commons at another conference, for their Lordships' adhering to some of their Amendments.

HOUSE OF COMMONS,

Friday, September 4, 1835.

Minutes.] New Writ ordered. A New Writ issued for Dungarvon, in the room of Mr. Sergeant O'Loughlin, Attorney-General for Ireland.

Bills. Read a first time:—Escheats; Manorial Boundaries and Copyholds.—Read a third time:—Instruments of Sasine (Scotland); Tithes' Instalment (Ireland).

Petitions presented. By Dr. Bowring, from Irvine; by Mr. Sergeant Wilde, from Newcastle-upon-Trent, for Corporation Reform.—By the Attorney-General, from the Merchant's Company, Edinburgh, against the Bankrupts' Estates' (Scotland) Bill.—By Mr. Lennard, from Warrington, to Remit the Punishment of the Dorchester Labourers; and from Ashton-under-Line, for Short Parliaments, and Vote by Ballot.—By Mr. Sheppard, from Shepton Mallet, for an Inquiry into Charities.—By Mr. Hume, from Dudley, for the Repeal of Newspaper Stamp Duties; and from Shankhill, for the Abolition of Tithes.

Imprisonment for Debt.] The *Attorney-General* presented a Petition from Galway in favour of the Imprisonment for Debt Bill. He would not, though he might, take that opportunity to enter into the merits of that measure, and he would refrain for the present from replying to the very unfair attacks that had been made upon that Bill elsewhere. There were reasons which induced him for the present to exercise what was on his part a very great forbearance on that point. He must, however, in vindication of his own character, and indeed of the character of the House, notice one objection that had been raised in the place he alluded to to the measure in question. It had been said that the Bill had not undergone proper discussion in its progress through that House. Now, he would venture to say, that no measure had ever undergone more complete discussion in the House of Commons. It was discussed last Session on his moving for leave to bring in the Bill, and it was afterwards fully discussed on the second reading, It was then submitted to a Select Committee that had it under discussion for some months. That Committee consisted of 100 members, and generally thirty or forty attended each day. It was afterwards discussed on the Motion for going into a Committee of the House on the Bill this Session. The discussion continued for nine hours; one Gentleman on one occasion made a speech of three hours and on another occasion a speech of two hours, against the Bill. The Bill had been most fully, most fairly discussed. To say, then, that such a measure had been smuggled through that House was a most unfair representation. It was a mistake, too, to charge him with having moved for a Select Committee to search the Lords' Journals respecting the progress of this Bill. He had made no such motion, and it would not have been a proper one for him to make, as their Lordships had not had a proper opportunity for considering the merits of that measure. His motion related solely to two Bills—one regarding executors and administrators, and the other regarding the execution of wills, which had passed that House on the 3rd of June last, and regarding which he had some right, therefore, to inquire, in order to ascertain what had become of them elsewhere. Again, he said he would abstain from answering what had been stated elsewhere; but if the distinguished individual from whom those statements came would meet him in conference, he would undertake to show him that he was perfectly mistaken in the objections he made to the measure.

India. Equalisation of Duties.] Mr. *William Crawford* presented a Petition from the Agricultural Society of Calcutta, established to improve the agriculture of that country, having among its members the Chief Justice of Bengal, Dr. Willis, a celebrated botanist, and many eminent men. The prayer of the petition was for an equalisation of the duties on the produce of India with the rates charged on the same articles imported from the British Colonies in the West Indies, especially coffee and sugar. India had now become more essentially than ever an agricultural country; in fact, three fourths of the people were interested in the prosperity of agriculture. The great resources of the country to be developed required only the removal of restrictions. India required encouragement now more especially, since it possessed no other means of supplying the annual drain on its resources required by the late Act of Parliament to provide for the Government. It had not been his intention to present this petition at the present moment; he had intended to keep it till the commencement of the next Session, in the hope that before the House had met many days, they should have a discussion with reference to the equalisation of the sugar duties, if that equalisation were ever to take place. He was, however, induced to present the petition now in consequence of some circumstances that had taken place connected with a Bill before that House, under the title of the Customs' Duties' Bill. The object of that Bill was to reduce the duty upon coffee, the produce of the British possessions in the East Indies, to the rate of duty upon West-India coffee. The Bill had but one enacting Clause, and when it came out of Committee, it stood in this condition, that from the passing of that Bill, the duty upon coffee, should be reduced to *6d.* the same as West-India Coffee. He had attended the progress of that Bill with considerable anxiety—he had watched it to the Committee for the purpose, if it were proposed to insert any Clause requiring a certificate of origin (or growth), some modification should take place. The Bill was reported, and stood for the third reading without any Clause to that effect being suggested. He was not a little surprised to find the third reading of the Bill was postponed, at the suggestion of the Chancellor of the Exchequer. Upon hearing of that postponement, he took an opportunity of seeing that right hon. Gentleman, and left him under the firm conviction that he would not proceed to adopt any certificate of origin without giving him an opportunity of being heard. He found to his astonishment, under these circumstances, that the Bill had been read a third time with an appended additional Clause, to the effect that there should be required a particular sort of certificate, which was not at present in use, and with which it was impossible to comply. It was proposed to allow coffee grown in Ceylon to be introduced for consumption at sixpence duty; while coffee coming from India would in fact be liable to a higher rate of duty than was proposed in the terms of the enactment of the Bill. As his attention was much directed to commercial subjects, the duty, as regarded London, might be said in a particular manner to devolve upon him to watch those interests, and he had taken every means to have an opportunity of speaking in his place before this change was made. He had been disappointed, from a course of events not under his control, having been followed with this Bill, which was not usual, and exceedingly inconvenient. He had been deprived of the opportunity at the proper time to make these observations and to press upon the House the necessity of modifying the certificate, so that it should be in the power of parties to produce one in compliance with the Act. He had heard it said there was no reason why East-India coffee should not be liable to the high duties. It was stated that it was in the possession of parties who had bought it expecting to pay the high duties; in answer to that he would only say, that it was within his own knowledge that all the coffee hitherto imported into this country grown under the Madras Government, came here as the property of the original planters. He thought the measure one of the highest injustice to the East-India growers, and in direct contravention of the Clause of the Act. He had made these observations in the hope that something would be done in the course of the next Session to relieve them from the injustice under which they laboured.

Mr. *Labouchere* was sorry that the Chancellor of the Exchequer was not in his place, in order to explain what he must consider a misconception on the part of the hon. Member. He could assure him, and the House would admit, that it was not the wish, and never was the intention, of the Chancellor of the Exchequer to take the hon. Member or the House by surprise. He could only say with regard to the question the hon. Gentleman had mentioned, that he knew it was the opinion and intention of his right hon. Friend, when the measure was first proposed for the consideration of the House, as due to the West-India colonies, to place the coffee of the East Indies under the same restrictions of certificate of growth. That certainly was his intention from the commencement. He would only state with regard to the petition that he perfectly coincided in the sentiments expressed. He was most desirous that the House should give every encouragement for the developement of the agriculture of the East Indies.

Mr. *Ewart* said, that he should ever support any motion for placing the produce of the East and West Indies on an equal footing, and he would say, that it was disgraceful to that House to have these duties so long without equalisation. The importation of sugar from the West Indies was immense, while the total amount which was imported from the East Indies was about 77,000 cwt., although in the latter country it was the spontaneous produce of the soil, only wanting capital and skill to render it most productive. The quantity of coffee imported from the West Indies was 22 millions of lbs., while that from the East Indies was only one and a half millions. He had often urged the propriety of equalising the duties upon sugar and the articles of agricultural produce imported from those countries, and the facts he had stated were corroborative of the necessity of that measure. He had often called the attention of that House to the article of pepper. In the year 1825 the duty had been reduced from half-a-crown to one shilling per lb., and the consumption immediately rose from 900,000lbs. to 1,500,000lbs. Now he contended that a duty of 1*s.* in the lb. was a most extravagant one, more especially when the favoured West-India article of pimento was admitted on payment of a duty of 5*d.* only. He hoped that the East Indies would not submit to this injustice, but would forward remonstrances till they succeeded.

Mr. *Buckingham* wished to remind the House of the depressed state in which the commerce of India was at present, from the injustice with which she had been treated with respect to the articles imported from that country into England. There were not fewer than 800 millions of acres of surface in that country abundantly productive, and the people were industrious to an extraordinary degree; and yet, with all these advantages, the trade of the country was almost annihilated. India had been treated most unfairly by this country. They had given it a charter, and had professed to provide for it institutions similar to their own; and yet all the time they had been only practising delusion, for their promises were never realised. He trusted that the professions that had been made would end in something more than mere words. If not, he hoped the Government of India and the people of England would press the subject upon his Majesty's Government in a tone that would be irresistible.

Mr. *Robinson* contended that there would be somewhat more of difficulty attending the equalisation of the duties than hon. Members were aware of. Whenever his Majesty's Government did so, he hoped along with equalising the duties on sugar, they would effect a considerable reduction in them.

Petitions to lie on the Table.

LOAN FOR WEST-INDIA COMPENSATION.] Mr. *Hume* rose to move, pursuant to notice, a series of resolutions on the subject of the late loan of 15,000,000*l.* contracted for by the Chancellor of the Exchequer. The hon. Member, after refering to the manner in which former loans had been raised by former Finance Ministers, and contending that they had been made on erroneous principles, went on to say that it was quite idle for the House to occupy itself, for weeks and weeks together, in the endeavour to save 10,000*l.* or 50,000*l.*, if the country was to lose millions by one financial operation. Nothing could be more absurd than the funding of Exchequer-bills, instead of paying off the debt as soon as any surplus revenue accrued. Although it was not in his power to make any alteration in the terms of the loan last contracted, still it was his duty to place on record what his calculation proved to be the sound principle on which a loan should be raised, and to point out the erroneous foundation of the system on which this last loan had been contracted. If it had been made in terminable annuities, or in stock, as near as possible to par, a much more advantageous bargain might have been made for the public. The point which he wished to put upon record was this, that the Chancellor of the Exchequer, by his mode of raising a loan of 15,000,000*l.*, would cause a loss to the public of 1,030,341*l.* 12*s.*, and a further loss of 1,570,563*l.*, as he should show by the resolutions he should submit to the House. He was quite sure, from the best authority, that if the loan had been offered in the city on the terms which he proposed, the list would have been filled up in a day. The hon. Member concluded by moving the following Resolutions:—

1st That the loan of 15,000,000*l.* has been borrowed by the Chancellor of the Exchequer at the rate of 86*l.* 9*s.* 5*d.* money, for every 100*l.* in Consols, as follows, viz :—

He has given £75 Stock Consols, and
25 Reduced,

—=£100 of 3 per Cent. Stock for every £100 money.

	£	s.	d.			
Also 13*s.* 7*d.* of Long Annuities, terminable in 1860, equal in cash to 16*l.* 14*s.* 4*d.* for 1*l.*	11	7	1			
And three months' interest on Reduced—viz., from the 5th of April to the 5th of July on 25*l.*	0	3	9			
Add a discount for prompt payment of the 90*l.* remaining instalments ..	1	19	9	=13	10	7

After payment of the deposits, leaving	£86	9	5

in money, as the price of every 100*l.* of Consols, which is equal to a rate of interest of 3*l.* 9*s.* 5*d.* per cent. or 3*l.* 9*s.* 4 67-100*d.*

2d. Which appears by the following statement of the amount of stock, and the price of such stock, given for every 100*l.* cash, viz :—

For 75*l.* Consols, at 86*l.* 9*s.* 5*d.* ..	£64	17	0¾
For 25*l.* Reduced, at 87*l.* 4*s.* 5*d.* ..	21	16	1¼
For 13s. 7d. of Long Annuity, at 16*l.* 14*s.* 4*d.* per 1*l.*	11	7	1
And discount for prompt payment	1	19	9
	£100	0	0

3d. That the following charges on the Consolidated Fund have been incurred for the said loan of 15 millions of money, as will appear on the books of the Bank of England, viz :—

	£
For 11,250,000*l.* of Consols, payable from the 5th of April, at 3 per cent.	337,500
For 3,750,000*l.* of Reduced, payable from the 5th of July, at ditto	112,500
Making a perpetual charge of	450,000
And 101,875*l.* of Long Annuities, payable from the 5th of April, 1835, to January, 1860	101,875 yearly.

4th. That if the whole of the loan had been raised in one stock, and that stock had been Three per Cent. Consols, at the price above stated, of 86*l.* 9*s.* 5*d.*, the gross amount of three per cent. capital stock added to the debt of the country would be 17,346,890*l.*, and a perpetual annual charge for the same of 520,406*l.* 14*s.* payable from the 5th of July, 1835.

5th. That if the whole had been raised in Reduced Three per Cents, at the price of 87*l.* 4*s.* 5*d.* being the difference of 15*s.* of interest added to the price of Consols, the amount of Three per Cent. reduced capital stock added to the debt of the country would be 17,197,726*l.*, and a perpetual annuity of 515,931*l.* 15*s.*, payable from the 5th of April, 1835.

6th. That if the whole loan had been contracted in Long Annuities, payable from the 5th of April, 1835, and terminating in January, 1860, the annuity during that period would have been 897,308*l.*

7th. That if the loan of 15,000,000*l.* had been raised in the New Three-and-a-half per Cent.

stock, at the price of 97*l.* in money for every 100*l.* stock, and that the same discount had been allowed on prompt payment as on the present loan, this would have given a net price, after deducting discount of 95*l.* 1*s.* 7*d.* in money for every 100*l.* stock; and, thereby, the capital added to the debt of the country would have been 15,776,327*l.*, and the perpetual annuity 552,171*l.* 9*s.* payable from the 5th of July, 1835; being at the rate of 3*l.* 13*s.* 8*d.* per cent. for money, or 3*l.* 13*s.* 7 47-100*d.*

8th. That the capital stock, created by the present loan, of 15,000,000*l.* of money, when estimated in Consols, being equal to 17,346,890*l.*, and the capital if raised in a Three-and-a-half per Cent. stock being only 15,776,327*l.*, the increase in the capital of the debt by the present loan, as compared with a loan in the New Three-and-a-half per Cent. stock, is 1,570,563*l.*

9th. That if the loan had been contracted in the New Three-and-a-half per Cent. stock, at the price of 97*l.* with a guarantee against the reduction of interest for 15 years; and that at the end of that term the Three-and-a-half per cent. stock were reduced to a three per Cent stock, the comparison with the present contract would be as follows:—

	£	s.	d.
To borrow in a Three-and-a-half per cent. stock at the price of 97*l.*, reduced by discount to 95*l.* 1*s.* 7*d.*, is to pay interest at the rate of	3	13	8
The present Loan is contracted for at the rate of interest of	3	9	5
Showing a greater rate of interest of...	0	4	3

paid on the 3½ per Cent. Loan, which difference of 4*s.* 3*d.* in the rate of interest is an annuity, and an annuity of 4*s.* 3*d.* interest, being reckoned at 3½ per cent., will increase in 15 years to a sum of 4*l.* 2*s.*; which sum again, interest being reckoned at 3 per cent., is equivalent to a perpetual annuity of 2*s.* 5½*d.*; and therefore supposing the 3½ per Cents. to be reduced to 3 per Cents. after 15 years, the amount will stand thus:—

The rate of interest at which the present loan is contracted for is ..				£3	9	5
The rate of interest on a 3½ per cent. Stock, reduced to a 3 per cent. Stock, is, at the end of 15 years,	£3	0	0			
Add the perpetual annuity arising from the loss of 4*l.* 2*s.*, being the accumulation of the excess of interest of 4*s.* 3*d.* paid during 15 years ...	0	2	5½			
				3	2	5½
Showing a difference of				£0	6	11½

per cent. payable, for ever after, on the whole 15,000,000*l.*, as at present contracted for, more than would have been payable if the loan had been raised as a 3½ per cent. Loan, as stated in resolution 7.

10th. That the difference of 6*s.* 11½*d.* per cent. upon 15,000,000*l.* constitutes a permanent annuity of 52,187*l.* 10*s.*; but this annuity, though permanent, after it has once begun, is a reversion, the payment of which commences at the end of 15 years, and the present value of which, interest being reckoned at Three-and-a-half per Cent. during 15 years, and at Three per Cent. for ever after, is 1,038,341*l.* 12*s.*

11th. That, besides the above loss to the public of 1,038,341*l.* 12*s.* arising from the difference of charge for the annuity, there will be an additional loss to the public of 1,570,563*l.* by the increase of capital of the national debt, as shown in the 8th resolution.

12th. From these facts it appears, that if the Chancellor of the Exchequer had raised the 15,000,000*l.* in a three-and-a-half per cent stock at 97*l.*, reducible in 15 years to a three per cent stock, this would have been equivalent to a net price of 92*l.* 9*s.* 1*d.* for 100*l.* consols, instead of the net price of 86*l.* 9*s.* 5*d.* which he receives by the present contract; being a loss of 5*l.* 19*s.* 8*d.* per cent, commencing from the present time; and exclusive also of the increased amount of the capital of the debt.

On the first Resolution being read,

The *Chancellor of the Exchequer* did not complain of this subject having been brought under the consideration of the House; on the contrary, he admitted, that if his hon. Friend had a shadow of pretext for imagining that in a transaction of this magnitude one tittle contained in his figures or statements was true, it was his bounden duty to bring the question forward. It was to be remembered, that this was the first loan which had been contracted under circumstances similar to the present, and if there was anything wrong in it, not only ought it to be brought under the deliberation, but under the censure of the House. He complained of these resolutions only in one respect—namely, because they did not conclude with that resolution which ought to have been their legitimate consequence; and if they were true, he would invite the hon. Gentleman and those who might be found to agree with him to follow them up with a resolution, that an Address be presented to his Majesty, praying his Majesty to remove his present Chancellor of the Exchequer from the office he filled. But as to the calculations of his hon. Friend, which were the most singular he had ever seen, be would demonstrate that they were founded in a tissue of fallacies, that they, signally exhibited the most profound ignorance of the principles which ought to prevail in such a transaction, and were not worth the paper on which they were printed. He would deny that he ought to have followed the course prescribed by the hon. Gentleman. The hon. Gentleman had said he would have made a much better bargain in the 3½ per cent. stock than by the arrangement he had entered into. He would admit, for the sake of the argument, that he might; but then the hon. Gentleman ought to recollect that he was precluded from entering into such a bargain, because the very Act of

Parliament to which his hon. Friend had adverted prohibited him from entering into any transaction which would have had the effect of creating any new or distinct species of stock whatever. But then his hon. Friend had said, if the Chancellor of the Exchequer had gone to Parliament, it would gladly have given him the power of effecting such an arrangement. Why, he would ask, what would have been the effect of his having come to Parliament, stating that he was desirous of borrowing in the 3½ per cent stock, and asking for leave to do so? The very notice which such a proceeding would have given, that he was likely to contract for such a loan, would have caused persons in the city to direct their entire operations on the 3½ per cent. stock, and in that way, pending the passing of the Bill he might have got, he should have lost more in the interval than even the sum which his hon. Friend had by his strange fallacies alleged had been lost by the negotiation which had been effected. Such a proceeding would not only have been unusual, but subversive of every principle that ought to regulate a Government loan. It was a matter of the greatest importance to complete a loan as soon after the enunciation of the intention to contract it as possible, because every effort was likely to be made in the interim to run down the stock. His hon. Friend had talked of prophets, but he was quite sure that no man who did not consider himself gifted with prophecy would vote for the Resolutions of the hon. Gentleman. No Chancellor of the Exchequer could countenance the unfounded principle of his hon. Friend, and no gentleman acquainted with money matters could believe his statements to be correct. Even if the hon. Gentleman's statements were correct, his conclusions were erroneous; and his statements being erroneous, his conclusions were necessarily erroneous. His hon. Friend had said, that the 3½ per cents might be reduced at the end of 15 years. It was not that the 3½ per cents would come up to 100*l.*; but supposing they rose in the 14th year to 100*l.*, still unless he could make out that they would come up to that at the close of the period, the whole of the argument must fail, because his hon. Friend had gone on to say, that if at the end of the 15th year they came up to 100*l.*, then he would admit of reducing. That was so fallacious a principle, that no man in his senses would reason on such a statement. It was in vain to talk, as his hon. Friend had done, of being able to reduce even within 18 months If he contemplated such a thing, it would require all his hon. Friend's eloquence, and more than all the ability he had shown in making out his figures, to persuade any individual to advance even half-a-crown, because the slightest alteration of terms, even in a date, produced an effect. He would not consent to be an experimentalist at the public expense, when he was quite sure in the outset that the experiment must be to the prejudice of the public. If he were to go into the city with a novelty, the cry would be raised against him far and wide that it was a novelty, and the experiment could not fail to be made at the expense of the country. He did not give his hon. Friend credit for these Resolutions.

Mr. *Hume* could assure his right hon. Friend they were his own, that he wrote them with his own hand, but that the calculations were made by another person.

The *Chancellor of the Exchequer* could then only say, that he had employed Mr. Finlayson to test every one of the hon. Member's calculations; that therefore he had as good authority as he could possibly require, and from which he could assert that his hon. Friend's propositions were altogether inaccurate. The effect of a loan in the 3½ per cents. would be as follows:

If the loan had been contracted in the New 3½ per Cents. without bonus, stock would have been - - - £15,541,857

Annual charge - -	543,963
Present charge - -	507,022
Saving - - - -	£36,941

or about 1,000,000*l.* So that there would have been an excess annually of 36,941*l.*, or nearly so, upon 1,000,000*l.*, and that was the economy which his hon. Friend wished him to have adopted; and his only set-off against that was his anticipation that at the end of fifteen years the 3½ per Cents. might be reduced. He was as anxious as his hon. Friend to reduce them, but he should consider it an odd way of going to work with a view to effect that, to increase them. If the loan had been in one stock, and that Consols, the capital would have been - - - - £17,346,890 0

Charge - - -	520,406	14
Present Charge -	507,022	0
Saving - - -	13,384	14

or 446,157*l.* stock. If, without any bonus, the loan had been raised in Consols, at the average price of the last six years, the charge for 14,701,875*l.* money would be,—

Stock - - -	£16,989,910
Dividend - - -	509,697
Present charge - -	507,022
Saving - - -	2,675

Even upon that proposition, which he would take upon himself to say showed an amount of more than any man could have expected to realise, so far from its having been more advantageous to the public than the arrangement he had concluded, it would have actually been less favourable. By the arangement he had made, he had for the first time, paid less than the sum that had been paid in the course of the six preceding years during an uninterrupted peace, and not allowing one farthing of bonus to the contracting party. He would ask, therefore, whether there ought to be a resolution put on the Journals of that House as a reproach to him for having by his blunders cost the public millions, upon the bare hypothesis of his hon. Friend. He had shown the House his paper was not to be sustained upon the facts, but it was directly at variance with the facts. He could show that the hon. Gentleman's very figures were wrong. He did not calculate the annuity accurately; there was a mistake even in that sum; therefore he would refuse to affirm these resolutions, but more particularly so, as he could point out an error of a million of money on both sides of his hon. Friend's account. The House ought not to place on its Journals the condemnation of a proceeding like this upon such loose statements as those made by his hon. Friend. Except from his hon. Friend, he had not heard from any living soul any observation tending to shew that this loan had not been contracted on terms eminently beneficial to the public. It was not a pleasant thing to have a series of charges brought forward against him in his official character; at all events, the hon. Gentleman ought to substantiate his facts. He would willingly put the hon. Gentleman's paper into Mr. Finlayson's hands, because then he should have to wish his hon. Friend joy of the result. Whether he was on the Opposition side of the House, or in the Government, he should act in this instance exactly as he now felt disposed to act. It was not because these resolutions sought to affect him that he opposed them; in whatever character he stood in that House, he should say such propositions as the present ought not to be assented to merely upon the slight attention that had been given to them by the hon. Gentleman. He did not impute blame to his hon. Friend, but he would entreat him to take Mr. Finlayson's calculations, and carefully examine them, for then he would be let into possession of information which at present he seemed to be wholly deficient in. He should like to call the attention of the House to the actual results of this loan. The House must be aware, that by Act of Parliament he could only give 5*s.* per cent. interest more upon a loan than any public security at the time of contracting the loan bore. The loan might have been contracted at a difference of interest, equal to a capital in stock amounting to 405,535*l.* —according to his authority, more than it was contracted for at; and it was contracted for at a sum of 149,233*l.* less than the contractor's (Mr. Rothschild) original proposal, which he had refused. Having done his utmost to make this an advantageous loan to the public, he felt also bound to hope that it might turn out to be a desirable one to Mr. Rothschild. Upon this evidence, then, could any man believe that a million had been lost by his mode of contracting this loan? On the contrary, he thought it must be very evident, that the transaction had been any thing but a careless or a disadvantageous one. He could not have made the loan upon the principle pointed out by his hon. Friend, except upon terms highly disadvantageous. He wished now to show the comparative credit in which the British public security stood with that of the public credit of any other country on earth. When he contracted this loan, he had to contend with a higher rate of interest than usual on foreign securities, which had deprived Great Britain of benefits she otherwise might have had. The hon. Member for Bridport had asked the other night, what was the rate of interest in perpetuity during the last six years, and he was now in a condition to give that information:—

	£.	*s.*	*d.*
3½ per Cents., payable in April and October	3	14	0¼
3 per Cent. Reduced	3	9	11¾
New 3½ per Cents.	3	14	0
Consols	3	9	4
French 3 per Cents.	4	3	7¼
French 5 per Cents.	5	1	0
Prussian 5 per Cents.	5	0	4¼
Russian 5 per Cents.	5	0	1

This showed the comparison between the interest on foreign and British stock, and from the whole it would be found the loan had been contracted on more favourable terms than had been paid on consols on the average of the last six years of peace; that being so, he would ask the House, and ask his hon. Friend, what they could have expected, or what they could have had more? But he had not altogether abandoned the principle of redemption. In fact, the annuity was one-fifth of the whole charge, and that would give, in 1860, a positive reduction of 150,000*l.* a-year. He was satisfied with his own statement, and he would have no hesitation to have the whole referred to Mr. Finlayson. He could not consent to take his hon. Friend's authority on these matters; he had been so much engaged, that it was impossible, unless he had been not only more than man, but more than angel, he could have given all the attention and labour to this subject which it required, so as to have enabled himself to have arrived at right data thereon. But this was not the first time the hon. Gentleman had been wrong in his calculations. In 1833, he had had a discussion with the hon. Gentleman with respect to a reduction of taxation. On that occasion he stated, there had been a reduction of 6,000,000*l.* within a given time; the hon. Gentleman said no, and he produced his statement of account to show that that was not so. What sort of a statement did his hon. Friend produce? He compared the gross amount at one period with the nett amount at another; and he included a sum of 3,000,000*l.* in the one account, but excluded it from the other, so that he made an error in that statement of no less than 3,000,000*l.* His hon. Friend afterwards admitted to the House that he had made that mistake. On another occasion, his hon. Friend omitted sums amounting to no less than 36,000,000*l.* He omitted a sum of 19,000,000*l.*, consisting of Navy Bills, and other securities—a sum of 4,600,000*l.* 3,630,000*l.*, and 9,000,000*l.* making, altogether, about 36,000,000*l.* After all these examples, he could not take the hon. Gentleman's calculations, but must rely on those of Mr. Finlayson. His hon. Friend seemed to think it was a light matter to put upon the Journals of the House, a charge against a person in the discharge of his public duties, that he had caused the public to sustain a loss of a million of money. His hon. Friend, he had no doubt, wished him well, and had wished well to the Government, but he had certainly adopted, on this occasion, an extremely rough way of showing his attachment. Upon all these grounds, he affirmed that he had made an advantageous loan for the public; if the bargain had been of that grossly improvident character described by the hon. Member for Middlesex, there were plenty of individuals in the city of London, whose talents, habits, and interests, would have led them to expose it before this time, and the public indignation would most justly have been called down upon the blundering financier who could have been guilty of it. But no such thing had occurred; the impression was altogether in favour of the course he had adopted, and the allegations in those resolutions were wholly unsubstantiated by fact. He hoped he had succeeded in rendering a satisfactory statement to the House upon this subject; and he trusted the public would weigh it carefully and accurately; but he would go further—he would send this paper to be reported on by Mr. Finlayson, and if it bore out the statement of the hon. Member, let him move a vote of censure, and he for one would not complain. He should now, however, move, by way of Amendment, " That the terms on which the loan of 15,000,000*l.* for payment of the compensation to the West Indian proprietors has been contracted, are such as to afford the most satisfactory proof of the public credit of the kingdom."

The Amendment being put,

Sir *John Rae Reid* said he had listened with the greatest attention to every thing which had been stated by the Chancellor of the Exchequer, and he must say, that connected as he had been with different transactions of this nature, he never in his life heard a clearer statement, or one which would prove more satisfactory to the public. The right hon. Gentleman had completely and entirely answered the extraordinary and most delusive calculations and predictions of the hon. Member for Middlesex. With respect to the loan itself, speaking his own convictions, and knowing, as he did, the sentiments of those who well understood the subject in the city, he was bound to declare that it was an excellent bargain for the public; and he did hope that the exposure of his absurdities on the present occasion, administered by the Chancellor of the Exchequer, would render the hon. Member for Middlesex more cautious and accurate in his calculations for the future.

Mr. *Warburton* recommended his hon. Friend to withdraw his Resolutions for the present, on the understanding that the counter-calculations of Mr. Finlayson should also be submitted to public inspection. Granting the principle of borrowing in stock of a low denomination, the Chancellor of the Exchequer had made very good terms; but he very much questioned the propriety of such a procedure. In spite of all that had been said against the old principle of negotiating loans of this nature, 5-6ths had been contracted on the exploded system, and only 1-6th on a good principle. He also objected to so much stock having been created before it was known what precise sum would be required owing to the probability of litigated claims.

The *Chancellor of the Exchequer* was perfectly ready to submit the whole of the documents to Mr. Finlayson, and afterwards to lay them and the results on the Table of the House. Having had to provide for all that might fairly be required in the way of compensation, he had not felt himself at liberty to diminish the amount of the loan. The surplus was directed by the Act to be invested in the 3 per cents. in the name of the Accountant-General of the Court of Chancery, to await the result of contested claims.

Mr. *P. M. Stewart* said, that but for the explicit statement of the hon. Member for Middlesex, that the Resolutions had been drawn up by himself personally, he should have been inclined to attribute them to some of the professional parties, who, from the result, were naturally disappointed in the circumstances attending this loan. All he could say was, when he submitted the printed Resolutions to some gentlemen in the city, they stated at once that they knew of their existence, and the object of them, at least a month ago. The Resolutions themselves were full of the most egregious blunders, assuming a price (97*l.*) at the present day which never could have been given, and contemplating a state of things fifteen years hence, which no Chancellor of the Exchequer had a right to calculate upon. In his view, the loan had been contracted most advantageously for the public.

Mr. *Hume* denid altogether the statement of the hon. Member for Lancaster, respecting the alleged communication of his plan to various persons in the city, in the course of the last month; so far from there being the least foundation for any such statement, he could positively declare, that until two days after he had given notice, he never mentioned the subject in any quarter. The hon. Member defended the accuracy of his own calculations, and contended that the right hon. Gentleman, the Chancellor of the Exchequer, had met his statements and reasonings on general, and not on particular grounds, of which he thought he had some reason to complain.

Amendment agreed to.

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HOUSE OF LORDS,

Saturday, September 5, 1835.

MINUTES.] Bills. Read a second time:—Tithes Instalment (Ireland).—Read a third time:—Shannon Navigation; Workhouse Property; Forgery (Scotland).

Petition presented. From Householders and Residents of Deal, in favour of the Lords' Alterations to the Corporation Bill.

CORPORATION REFORM.] The Duke of Wellington presented the draught of the reasons for their Lordships insisting on certain amendments made by them in the Corporations' Bill, which reasons were ordered to be drawn up by a Committee appointed for that purpose.

The reasons were as follow:—

1st (referring to the appointment of justices of the peace)—Because, by the principles of the Constitution, the appointment of justices of the peace ought to rest in the Crown, unfettered by any restraint; and where charters of corporations granted by the Crown are superseded by Parliament, it appears desirable to revert to the principles by which the appointment of justices should be governed, and to avoid the evils which have resulted from a contrary practice.

2d (referring to the division of boroughs into wards.)—The Lords have insisted on certain amendments made by them, and have made amendments upon certain amendments made by the Commons in the schedules showing the number of wards, aldermen, and councillors assigned to each borough.

Because the two Houses having agreed that in assigning the number of councillors to each ward, regard shall be had as well to the number of persons rated to the relief of the poor in such ward, as to the aggregate amount of the sum at which the said persons shall be so rated, it appears expedient to increase the number of boroughs which are to be divided into wards with the view of extending the benefit of the principle so established, which can only be applied in boroughs so divided.

Because by far the larger portion of the rate levied in every borough being paid by a minority in number of the rate-payers, it appears expedient, by means of such division into wards, to afford a facility to such minority of obtaining some representatives in the council by which they are to be taxed.

Because it appears equally expedient to afford a similar facility of obtaining some representatives in the councils to the different interests, which are almost always found even in boroughs of no considerable population.

Because the reasons above stated support a more extensive division of the boroughs, now divided in the schedules as amended by the Commons, as well as a division of certain of those not now divided.

In endeavouring to secure to the several boroughs, of which the division is extended by these amendments, the benefits arising from a fair representation of property and of different interests, the Lords have not been unmindful, that by creating four wards in every borough, not divided into that number of wards in the schedules as amended by the Commons, they should have practically raised in such boroughs the qualifications in such boroughs; the Lords have, therefore, abstained from making any addition to the number of wards, where such addition would have produced such effect, being unwilling by the more extensive division of a few boroughs to render more restrictive in such boroughs the qualification as amended by the Commons.

The Lords further observe, that no inconvenience can arise from carrying into effect a division into wards as extensive as that made by their amendments, inasmuch as in each ward of even the smallest boroughs so to be divided the number of voters will be such as would, without any such division have rendered expedient a separate polling place.

3d (With respect to the borough of Alnwick.)—

The Lords insist on the amendment made by them to schedule A, by which the borough of Alnwick is struck out of the Bill.

Because, although Alnwick may be a borough of prescription, yet the corporate body in that town exists for purposes entirely distinct from municipal government, having no jurisdiction of any sort, nor any power to impose any rate, or to exercise any interference with the general concerns of the place; and because if hereafter, in consequence of increase of population or any other circumstance, it shall appear to the inhabitants that a corporation for municipal purposes is desirable with a view to a good local government, this object may most properly be obtained by petition to his Majesty for a charter, under the 137th section of the act, which provision appears expressly calculated to meet such a case, and upon the consideration of which petition all the circumstances may most fitly be investigated and ascertained.

(The above reason applies also to Llanelly and Yeovil.)

Conclusion:—

The Lords participate in the anxiety manifested by the Commons to maintain a good correspondence and understanding between the two houses, of the paramount importance of which to the public welfare the Lords are deeply sensible.

The Lords have, in a spirit similar to that which has actuated the Commons, abstained, in compliance with their wishes, from insisting upon many enactments, which appeared conducive to the salutary working of the great measure under their consideration, and they entertain an earnest hope that the bill as now amended by the co-operation of both houses may produce contentment, and establish for the future upon a solid basis the good and quiet government of towns.

Lord Ellenborough moved that these reasons should be presented to the Commons at the conference.

Viscount *Melbourne* said, that if their Lordships were determined to insist upon their amendments, it was quite natural that they should wish to support them by reasons such as those which had been read by the noble Baron. At the same time, he felt it his duty to state, that as he had disagreed with the amendments, he could not concur in the reasons by which they were to be supported. He adhered to his opinion as to the inexpediency of the amendments, and he could not help feeling some apprehension that the insisting upon them might lead to consequences which their Lordships might deprecate.

Motion agreed to.

The reasons to be printed.

HOUSE OF LORDS,

Monday, September 7, 1835.

Minutes.] Bills. Read a third time:—Militia Half-Pay; Excise Incorporation (Scotland); Stamps and Assessed Taxes; and Fines and Recoveries.

Business of the two Houses.] The Marquess of *Westmeath* said, the subject to which he was about to call their Lordships' attention was one of considerable interest, which he hoped would be received as an apology for his adverting to it. There had been laid on the Table of the other House a return of all Bills, that had been sent up by the Commons to their Lordships' House, and dropped there. The hon. Gentleman who called for this return did assign any reason for making this Motion, and therefore, as the matter now stood, it would go out to the public as a fact that all the Bills mentioned in that return had been defeated, and that their Lordships had unnecessarily and improperly retarded the business of Parliament. Now, this was contrary to the fact. The return to which he alluded contained the titles of fifty-one Bills. He had investigated the matter, and he found, on looking into their Lordships' votes, that, with the exception of sixteen of these Bills, all had made progress; many of them had passed, some had received, and others were waiting for, the Royal Assent. He would further state, that there was not one of these sixteen Bills, the loss or delay of which could not be satisfactorily accounted for. Some of those Bills had been in the House since the commencement of the Session; and as nobody had thought proper to take them up, they remained as they were. No noble Lord could force a Bill through the House without stating the reason of its introduction, and the grounds on which it proceeded. It was not his intention to read the titles of all the Bills included in this return which had absolutely passed. It would be a waste of their Lordships' time, as their Lordships must be perfectly cognizant of the fact. One of the Bills mentioned in this return was the Great Western Railway Bill, which, at the time the return was moved for, was under consideration, and had since received the Royal Assent. There was also a Bill of considerable importance to the metropolis, he meant the Sale of Bread Bill, which had not been proceeded with in consequence of the peculiar circumstances of the case. The noble Duke (Richmond) on the cross-bench knew that it was referred to a Select Commiteee, it being deemed necessary to hear evidence on the subject, which Committee had reported that it would be inexpedient to proceed with the measure. That Bill came up to their Lordships only a fortnight ago, which accounted for its having been dropped, since it would have been impossible to have managed the inquiry properly within that time. With respect to four Irish Bills that had been before their Lordships, and which were rejected by them, he begged leave to say a word or two, especially as he saw that the Irish papers used very strong, he would add, most unjustifiable language, in speaking of the conduct of that House respecting those Bills. As to the Church Bill, he would observe, what was very little known, that it contained a Clause which fully justified their Lordships in rejecting it—a Clause that would have borne exceedingly hard on property. The effect of the Clause to which he alluded would have been, to allow causes to be tried over again after they had undergone the decision of an appellate jurisdiction—a proceeding without parallel, he believed, in the annals of the legislation of this country. Again, there was the Constabulary Bill, which took away from the Magistrates the right of superintending and appointing to the constabulary force. This was done, not only without putting the Magistrates on their trial, but without bringing any charge against them. Was it fitting that such a Bill as that should pass? Next came the Dublin Police Bill, the effect of which, with reference to the Corporation of Dublin, would have been precisely the same as that of the Constabulary Bill with respect to the Magistracy of Ireland. To the Corporation of Dublin, under various statutes, had been intrusted the management of the police of that metropolis; but this Bill, which was properly thrown out, had superseded their authority, not the least notice having been given to them on the subject. The Irish Voters' Registration Bill was the next to which he should refer. The object of that Bill was to break down the principle assented to by the Legislature, and established by the Reform Bill. The measure went, in fact, to establish a pauper constituency in Ireland, and to render a pauper qualification sufficient for a seat in Parliament. This was his answer to what had been said as to the conduct of that House; and he could not let the Session pass over without noticing the subject, as a Representative Peer of Ireland. It should also be observed, that many of these measures came up to their Lordships at so late a period, that it was quite impossible to pass them, provided that they were to be considered maturely. As he was on his legs, he would briefly refer to another Irish Bill, the Civil Bill Courts Bill, which was lost in the other House. That Bill was introduced early in the Session; and the Gentleman who took charge of it endeavoured, as much as he could, to advance it in the House of Commons. One purpose of that Bill was to provide a cheap mode of obtaining redress in cases where waste might be alleged against the holders of lands, instead of incurring the large expense consequent on Chancery proceedings. This was of very great importance in a country where the land was parcelled out in so many divisions. Another portion of the Bill went to admit the poorer classes to recover property left to them under wills, and to get what they were entitled to by an easy and simple process. At present they could not obtain redress, except by suit in the Ecclesiastical Court of the metropolis—a process to which it was impossible for them, in consequence of their poverty to resort. That measure was lost in consequence of the opposition of the legal Gentlemen in the other House. Now, it was of importance that the public should know these facts, when their Lordships were blamed for not doing their duty. What had been the case with respect to a Bill of this important nature? This was the third Session in which it had been brought forward in the other House, and still it had been defeated. The prejudices of the legal profession would not allow the poorer part of the community to avail themselves of a cheap mode of proceeding in the attainment of justice, which they had a right to claim.

The Duke of *Richmond* said, that the noble Marquess had indulged in what he must consider a very inconvenient practice, that of the Members of one House censuring the conduct of the Members of another House of Parliament. His object in rising was to set the noble Marquess right as to the Sale of Bread Bill. The object of that Bill was to extend the practice then legal in London to the surrounding country. It was true that by the standing order of this House there must be a Select Committee on a Bill of this kind, There had been no inquiry into the matter since 1832, and, therefore it was not possible for there to be any further proceedings in the present Session. However, it was hoped that the Bill would be passed early next Session.

Subject dropped.

Corporation Reform.—Conference]. On the Motion of the Earl of Devon a message was sent to the Commons desiring a present conference on the subject of the Amendment made on the Corporation Reform Bill. Commons assented to the conference, and managers were appointed on behalf of the Lords. The conference was held, and the Earl of Devon reported that the managers of the conference had communicated to the managers on behalf of the Commons the reasons of their Lordships in support of their Amendments of the Corporation Reform Bill.

HOUSE OF COMMONS,

Monday, September 7, 1835.

Minutes.] Petitions presented. By Mr. Chalmers, from Arbroath; by Mr. Ruthven, from St. Thomas, Dublin, to pass the Corporation Bill unmutilated.—By Mr. W. Williams, from Labourers of Wolstan, to Repeal the Poor-Law Amendment Act.—By the Lord Advocate, from Falkirk, for an Alteration of the Timber Duties; and by Mr. Mark Philips, from the Manchester and Salford Anti-Slavery Society, for the Amendment of the Slavery Abolition Act.

Spirit Licences.] Mr. *Divett* presented Petitions from Licensed Victuallers in different parts of the country, complaining that the measure of relief proposed for them by the Chancellor of the Exchequer, as regarded the reduction to a certain extent of the Spirit Licence Duty imposed last Session, would be delusive and totally inoperative. He would certainly next Session bring the subject before Parliament, and would propose a reduction of the licence duty to what it was at an early period of the present century.

The *Chancellor of the Exchequer* was well aware that his hon. Friend would not charge him with knowingly proposing a delusive measure of relief. He calculated that the relief he proposed to give would amount to a reduction of one-third of the entire duty. Now, when the smallness of the surplus in his hands this year was considered, he thought the petitioners had no right to complain when half of the surplus at his disposal was appropriated to their relief. He had been attacked out of doors for giving them even this relief, and the Government had been charged with giving encouragement to the building of gin palaces. Now, the fact was, that the relief afforded would be confined principally to the small dealers in beer, with whom that article was the staple of their trade, and with whom the sale of spirits was merely subsidiary to that trade. It was to that class that he wished to give relief. The other class he did not think entitled to it. If he should be in office at the commencement of the next Session, he would lay on the Table a return of the amount of relief afforded, and he was sure that in accordance with his anticipation it would reach 40,000*l.* or 50,000*l.*

Petition to lie on the Table.

Corporation Reform (Birmingham) Petition.] Mr. *Scholfield* presented a Petition from certain members of the council of the Birmingham Political Union. The petitioners expressed their approval of the original Municipal Bill, and their disapproval of the Amendments made in it by the Lords, and they called on the House to reject the measure in the shape given to it by the Lords. He thought that the country was safe in the hands of the present Ministers. If, however, the present Government should be dissolved, as the Tories threatened, then the Political Union in Birmingham would revive in all its strength, and he should, under such circumstances, consider it his bounden duty to again enrol himself in the ranks of the Union, for the purpose of obtaining for the people their just rights and privileges. The petitioners complained strongly of the qualification Clause of the Corporation Bill, and he quite agreed with them on that point. His own opinion was, that they should not look to the wealthy for patriotism. The petitioners attributed nine-tenths of the amendments made by the Lords to narrow, selfish, and aristocratic motives.

Mr. *Thomas Attwood* supported the Petition, and expressed his regret that Ministers had assented to any one of the Amendments made by the Lords. They should have insisted on the Bill being restored to its original integrity. He was sure that course only would satisfy the people. He was certain it was the course the patriotic and yet loyal people of Birmingham would approve of. The Tories insanely threatened the people with 50,000 yeomanry. Where were they to be found? If there even was such a yeomanry force in the country, he did not think that the farmers and manufacturers, of whom it consisted, would join in an attack on the rest of the people of England. They were threatened with a Tory Government and a new election. He had no doubt that the result of it would be the addition of 100 members to the present reforming majority. The masses would take an interest in the question now, that they did not last winter. He had said the 50,000 yeomen fit for Tory purposes were not to be found in England. But such a force existed on the banks of the Vistula, and he had no doubt it was to such assistance the Tories looked forward. He cautioned the noble Lord (Lord J. Russell) to keep his eyes open, and not to allow a foreign force to deluge England with blood.

NEW POOR LAW.] Major *Beauclerk* presented a Petition from Yapton in Sussex against the New Poor Law, and especially complaining of the part of it relating to workhouses, and the separation of men from their wives. The hon. Member said, that he wished to ask the noble Lord opposite if he was aware that orders had been issued by the Poor Law Commissioners to stop all out-door relief in the present season? Such orders had been sent down to Sussex three days ago, to a place where he (Major Beauclerk) was stopping at the time. He dined in that neighbourhood on Sunday last with a clergyman, and met on that occasion a large body of magistrates. They were all guardians of the poor and all friends of the New Law, but they were all against enforcing such orders at this season of the year. Their universal opinion was, that the enforcement of such orders would spread misery and want in the agricultural districts, and that the old, the sick, and the infirm, who had not anticipated such a measure, and who had laid by nothing to meet such an emergency, would be consigned to starvation. The clergyman in question, Mr. Constable, a most respectable gentleman, had been a great friend of the Bill, but he had lately withdrawn his name from the list of the guardians of the poor, being of opinion that an attempt was made to carry the Bill too quickly into execution in all its parts. The old and infirm, for instance, who had never calculated on such a measure, should not be exposed to the operation of this severe part of it; it should be reserved for the young and those who were in employment, and who, calculating on such treatment in their old age, would lay by a provision to meet it.

Lord *John Russell* agreed with the hon. Gentleman in the opinion that this Bill should be carried into effect gradually. He had certainly stated that as his opinion to the Poor Law Commissioners, and he thought that their conduct proved that they were fully sensible of the necessity of acting in such a manner. Their Reports were forwarded to him from time to time, and he should certainly particularly attend to what orders they made.

Lord *Granville Somerset* begged to call the noble Lord's attention to the unions of parishes insisted upon by the Commissioners. A case of great hardship in that way had occurred in Gloucestershire, where a number of agricultural parishes had been united to the town parishes of Gloucester. The Commissioners, in his opinion, assigned no good reason for making the union except that the principle was acted upon by them throughout the country. The greatest inconvenience would arise from the union of two classes of parishes so thoroughly distinct.

Lord *John Russell* had no direct power to control the proceedings of the Commissioners in that respect, but he would cause an inquiry to be made into the matter, and he would ask the Commissioners for the grounds of their proceeding. That was all he could do.

Mr. *Robinson* was sorry that the noble Lord had not answered the question as to whether the Commissioners had issued orders to put an end to out-door relief. He had been himself friendly to the general principle of the Bill, but there was one Clause in it that he always looked upon as a horrid one—he alluded to the Bastardy Clause. It was a disgraceful enactment. He would caution the noble Lord against taking too favourable a view of the operation of the Bill during the present cheapness of food.

Major *Beauclerk* said, that a friend of his had informed him that in a place in Surrey the men had been separated from their wives in the workhouse, and their children had been actually sent a distance of six miles to another place. These proceedings might be only temporary, arising from the want of workhouse accommodation, but they excited bitter feelings amongst the poor, and they should, if possible, be avoided.

Lord *John Russell* did not find any fault with the hon. Gentleman for bringing forward this Petition, as the Session was so near its end; but not having had any notice on the subject, he (Lord J. Russell) had not had an opportunity of communicating with the Commissioners with regard to those orders they were stated to have issued. He should certainly communicate with them on the matter. With regard to the appointment of medical men, the subject had been under his consideration, and he had sent to inquire respecting it to the Poor Law Commissioners. They stated to him that they took particular care to supply a sufficient number of medical men for attendance on the poor. He in reply, begged them to pay particular attention to that point, as nothing would be more calculated to conciliate the good feeling of the people in regard to the operation of the Bill than a sufficient supply of medical aid for their sick.

Corporation Reform — Lords' Amendments.] A message from the Lords requested a conference with the Commons on the subject of the Amendments made in either House on the Municipal Corporations' Bill; and also informed the House that in consequence of the unavoidable absence of one of their Lordships' usual messengers, the present communication had been made by one of the Masters in Chancery, accompanied by the Clerk-assistant.

On the Motion of Lord John Russell the conference was agreed to, and the messengers were called in.

The *Speaker*, after informing them that the House had agreed to the conference, added that the House having considered the reasons which caused the absence of one of their Lordships' usual messengers, deemed those reasons to be sufficient and satisfactory, but requested that they might not be drawn into a precedent.

Managers of the conference were appointed, and Lord *John Russell* (on the return of the messengers) informed the House that the Lords did not insist upon certain Amendments, and did insist upon others, and that they had amended some of the Amendments of the Commons, for which their Lordships' reasons had been delivered to the managers on the part of the Commons.

The reasons of the Lords were read.

Lord *John Russell* then rose to direct the attention of the House to the amendments of the Lords, and spoke as follows:—I wish I could preface what I am about to move by saying, that with scarcely an exception, the House of Lords has agreed to the amendments proposed by the House; because I think that this House did treat the amendments of the House of Lords in a spirit of conciliation, which I should say justly entitled us to expect that the principal amendments made by the Commons to the amendments of the Lords would have been agreed to. I know at least that there were several points upon which many Members of this House were reluctant to make any concession; and foregoing as they did for the sake of conciliation, and for the sake of terminating this question, some of those principles which it had been thought necessary to introduce into the original Bill, ought to have tended more to produce a good understanding between both Houses. If, instead of agreeing to certain portions of our amendments, and expressing a wish that a good correspondence should be maintained, the Lords had agreed to the whole of our amendments, and accepted at once, as a concession to their independent authority, and to the welfare of the country, the large concessions which it pleased this House to make upon my motion, the object of good correspondence would, I think, have been more effectually attained. At the same time I have to state that the alterations in the Bill to which I declared that I had an insuperable objection, have been abandoned by the House of Lords. I considered it an insuperable objection to the Bill, as altered by the House of Lords, that it made a Corporation a mixed body—one portion of the governing body having rights conferred by the Bill—the large rights of rated householders—and another portion deriving wholly from self-election, and founded upon the ancient constitution of the borough. I stated that I thought it impossible that any raw machinery could work well with such elements of discord connected with it, and the right hon. Member for Tamworth then present added, what

I apprehend was likewise true, that while those members of the old body did not act in harmony with the new, the old would be totally unable to carry their own views into effect, and one part of the Corporation would act as a clog upon the other, and impede the future government. I am happy to say that the Lords have not insisted upon this amendment: they are willing that the future Corporation shall consist altogether of persons either immediately elected by the rate-payers, or by those who, according to the amendment I had the honour to propose, derive immediately from the elective bodies, and hold their offices for double the period originally provided. And let me say here, that, in speaking of that amendment, it should be recollected that when the Bill was first introduced, a noble Friend of mine, the Member for Lancashire, who concurred in all its general principles, maintained that the whole body of the Councillors ought to be elected for six years. Now, by the Bill as it stands, three-fourths of the body will be elected by the rate-payers for three years, and one-fourth will be elected immediately by the Councillors, and for six years. There was another amendment made by the Lords which I looked upon as highly injurious to the Bill: it was, that the present Town-clerks, even those who now hold office only during pleasure, should continue to hold during good behaviour, and retain in their hands all the muniments of the borough. I considered, in conjunction with the fourth of the old aldermen, that this provision as to Town-clerks was intended to give them a power of controlling the masters under whom they served; and, in fact, making them absolutely necessary for the government of the borough. I am glad to inform the House that that Amendment has been abandoned by the House of Lords. Another Amendment was made by them: it was the amendment which provided that Justices for life, according to corporate rights, should continue Justices for life under the new system of these boroughs. I think that for the reasons stated by the Commons at the conference, this alteration would have produced the greatest evil, as there would have been some Justices deriving under a system, which I shall venture to call a bad system, and other Justices deriving under a more improved mode. But it is not I only who say it is a bad system, because in one of the reasons given by the House of Lords they tell us that they have made amendments with respect to Justices, in order to revert to the principle by which the appointments would avoid the evils that have resulted from a contrary practice. Their Lordships thereby fully allow all that this House has maintained as to the evil of Justices chosen in the manner of the old Corporations. The Lords have likewise given up that invidious distinction, which I believe would have produced the greatest jealousy and discord in boroughs, established by the rolls of persons possessing 1,000*l.* or 500*l.* who were to be obliged to come before a barrister to make good their qualification, in order to be placed on the one list or on the other. The Lords have relinquished both parts of their amendment as to the qualification, and have adopted that modified proposition which we inserted as an amendment upon their amendment. But while they have not insisted upon these alterations which must have been injurious to the working of the whole system, their Lordships have disagreed to certain portions of our amendments: two of these I think of great importance, and another, which is not of importance, is a little extraordinary in its form. The first amendment to which they have made an additional amendment, is the clause as to revising barristers. I proposed, and it was generally agreed to by the House, that the decision of the revising barrister should not be good unless it were approved by the Crown; and I was about to add (indeed I had a clause prepared for the purpose), that if the Crown should not approve of such decision, it should be competent to direct an amended report to be made by the revising barrister, and to come to such other determination as his Majesty in Council should deem fit. I thought, however, that this clause was not necessary, that some cavils might be raised that we were not carrying into effect the amendment of the Lords in the way that House proposed: but it has been the cause of the insertion of a proviso by their Lordships to remedy the inconvenience. If it had been necessary to remedy the inconvenience, I think the mode I proposed would have been preferable, viz. that the revising barrister should make his report—that, if not approved, it should be sent back—and that if the report were not satisfactory, that there might be a power in the King in Council (until Parliament should otherwise determine) to make a different arrangement. The Lords have introduced a proviso, which, coming from a House of Parliament particularly jealous for the prerogatives of the Crown, seems to me of a very singular nature. They have provided that the revising barrister in the first place shall make his report, that if it be not approved, it shall, nevertheless, stand good for a time, and then their Lordships go on to say that it shall continue to be good, not till his Majesty in Council comes to another determination, but until his Majesty in Council definitively approves the division of such borough into wards in the manner beforementioned. This makes it far worse than the amendment I originally proposed; for according to this proviso the barrister is to make his report to the King in Council; the King in Council is to reject it as insufficient and unwise, and the arrangement is nevertheless to be good until his Majesty shall finally approve of the decision of the barrister. So that the revising barrister may go on making reports which are not approved by the Crown, and yet the Crown is to be subordinate, and the revising barrister superior. I should have thought that a House of Parliament, tender of the prerogatives of the Crown, would have been cautious in proposing an amendment which puts the Crown in this situation—that it may refuse to approve, but that the revising barrister may continue in his own opinion; and it will remain known to the whole country, that the King in council solemnly disapproves of his decision, without the power of altering it. The determination of the King in Council may be of no avail against the notions of a young and inexperienced gentleman. When I say that he is young and inexperienced, I use an expression not of my own merely, but of the right hon. Baronet the Member for Tamworth, who agreed with me as to the youth and inexperience of some of those who are to make this final award without the approbation of the King in Council. I do not know that the practical effect will be of much consequence, but certainly I would much rather that the Clause should have remained as it originally stood, than that this proviso should have been inserted, which places the Crown in a situation which I think is not altogether decorous. The next Amendment of importance, and it is no doubt one of very great importance, regards the appointment of justices. We have always contended, and in the last debate upon the subject we decided, by a large majority, that the Town-council should have the power of naming persons fit to receive the commission of the peace from the Crown, although the Crown might disapprove and reject persons contained in the list furnished by the Town-council. I am still of opinion, that this is a mode in which the Crown might be legitimately and openly informed of fit persons to be appointed as justices of the peace, and who might act in the various boroughs with greater confidence than if the Crown chose them without any open recommendation by a body popularly elected like the Town-council. Upon this question the Lords state, that by a principle of the Constitution, the appointment of justices of the peace ought to be vested in the King, without restraint or control. Whatever may be the fact as to the principle of the Constitution, I think no man can maintain the argument set forth in various quarters, that justices in Corporations are in truth appointed by the Crown. That there were persons named in the Charters of James 1st, who, by their corporate capacity, were justices, cannot be disputed; but since that time, Corporations have named the justices without any reference to the Crown, and it is the utmost extravagance to assume that because the justices originally by the Charters of James 1st, were named by the Crown, that justices can only properly derive from the Crown. If that argument is good for anything, or if a technical argument be good for anything, here would be an Act of Parliament assented to by the King, and passed by the Lords and Commons, by which Town-councils are to exist, and they would have to name the justices, but not definitively, for the Crown would keep up a certain power and control, in order that no unfit persons might be admitted to the Commission. Therefore as a question of the prerogative of the Crown, I apprehend, the power under the Act would at least be as great as under the old charters, and for this reason, as well as on the ground of expediency, I adhere to my original opinion. The next Amendment regards the division of boroughs into wards, and without going back to the old Bill as it stood, the Lords have made this amendment in it—that the division into wards is carried down to 6,000 inhabitants, only the qualification is not carried higher than was proposed by the House of Commons. There is a division at a certain point, and the Lords go at once from 18,000 population, and three wards with a council of twenty-four members, to five wards with a council of forty members. It is not necessary for me to point out the inconvenience of this mode of dividing, nor to advert to the arguments stated over and over again in opposition to the Amendment now proposed by the Lords. But in considering the manner in which these Amendments should be treated, the first thing we have to attend to is, whether we could possibly amend these Amendments so as to maintain our own opinions, and, at the same time, come to a settlement of the question with the House of Lords. After, therefore, looking at this Bill, as it stands with my colleagues, we are of opinion that we can make no amendment of that kind; that with respect to the clause re-regarding justices, either we must frame it in such a way that the Crown would have the right of naming other justices than those proposed by the Council; or, on the other hand, that the Council would have the whole power of appointing the justices, independent of the Crown. As to the second Amendment, the original decision of the Commons was in favour of a population of 12,000; the decision of the Lords reduced the number to 6,000; we proposed 9,000 as a compromise, and after having done so, I must say, that I am not disposed to higgle with the Lords, in order to obtain any intermediate number. As to the other Amendment, of which I have already spoken, it is merely an act of indecorum towards the Crown; I will not participate in it, but leave it altogether to those who proposed it. I cannot suppose that a great legal party, such as we had the satisfaction of seeing here the other night, would have suggested such an Amendment, which seems to have originated rather in the carelessness and indiscretion of the Deputy Grand Master. We have to consider then, whether, if we consent to these Amendments as they stand, we should be justified in sending the Bill back to the House of Lords, in order that it may be passed into a law of the land. I will first take the immediate question of those Amendments, to which I have already adverted at sufficient length, and consider how and in what respect they could be amended. As to the Clause which gives the appointment of justices absolutely and unconstitutionally to the King, I have no hesitation in saying, that as long as my colleagues and myself continue to be the advisers of the Crown, we shall feel it our duty, as the most natural and satisfactory mode of appointing these justices, to request from the Town-councils that they would send us a list of the names of persons in whom they think confidence ought to be placed. I have no hesitation also in saying, that I think this would be an exercise of the prerogative of the Crown fully justifiable, and, indeed, rendered almost necessary by the state in which the Bill was originally sent from the House of Lords. It has happened to me, in the course of this very day, to have received a letter from a Lord-lieutenant of a county, recommending a certain person to be placed in the commission of the peace; this Lord-lieutenant is opposed in politics to the party to which I belong; but I have no doubt that he is fully justified in his recommendation, and I shall only do right in carring it into effect. It is impossible that I should know locally the particular qualifications of individuals; but if I should be right in advising the exercise of the prerogative of the Crown in counties, at the instance and under the advice of a Lord-lieutenant; there is no reason why it should be derogatory to the prerogative of the Crown to exercise it in the same way, after asking the opinion of a Town-council. Let it be remembered, that this does not depend upon any declaration of mine, because any abuse of the prerogative of the Crown, of this kind as of other kinds, would come under the cognizance of the House of Commons, and if it found that any Minister had introduced discord into a Corporation by appointing persons suspected or obnoxious, or who were not disposed to administer justice impartially, after the Bill had passed the Commons, giving the power to the Town-council, I think it would hardly be slow in noticing the abuse. With respect to the other Amendment relating to wards, I think we must consider, as to that and many former Amendments to which we have agreed, that there seems to have been something provisional in the contemplation of the Lords. They have, in the first place, recommended that the boundaries of several boroughs should remain the same, although those boundaries, in several instances, are most inconvenient; and they leave it to Parliament on a future occasion to decide what the boundaries shall be. The Lords have given revising barristers the power of judging absolutely for a time as to wards, but it is not intended hereafter that their decree shall be without appeal; therefore I say, that the question of boundaries and wards may, in all probability, come before Parliament when the Boundary Act, which must be introduced, is brought forward. In another part of the Bill, that which refers to the trustees of charities, their Lordships have, confessedly and avowedly, made a provisional arrangement, viz., that the present trustees shall remain till the month of August, 1836, unless Parliament in the mean time shall otherwise provide. That is a subject on which I did not express a difference before, and I will not express a difference now; but the Lords think that a separate Act of Parliament will contain provisions in this respect. I think there are some other clauses in the Bill which have been left by the Lords in such a manner as to show that they do not suppose that this Bill is to be a definitive settlement of the question respecting Municipal Corporations. Besides leaving, as we originally left, a great many boroughs out of the Bill, they have added other boroughs which we proposed to omit, and with regard to which, a question may probably arise whether they are Municipal Corporations. Therefore, I apprehend, I may say that these are subjects not to be judged of very much at the present moment, but after this Bill shall have come into operation; and I have no difficulty in saying that, considering how much the Bill has been amended by different hands, and how much the original design has been departed from, it seems to me that it will be difficult for Parliament to go on for any considerable time, without taking this subject again into consideration. I come, then, to consider this Bill as a whole, and whether, as a whole, the House of Commons will be justified to the country and to their constituents, in assenting to this measure. I am prepared to say, that I do not think it would be wise for us to attempt to make any fresh amendments, to get a part of what has been removed back again, or to remove a part of what has been substituted. The real question is, and to that question Ministers have sedulously applied themselves, whether, on the whole, they can present this Bill to the country as the foundation of a great improvement to Municipal Corporations. I have no hesitation in saying that I consider it a great improvement. In the first place, all those bodies, for the most part self-elected, with various discordances and various privileges, are altogether put an end to. That system of appointing justices, which the House of Lords declares to be an evil, is entirely abolished, and we have a new edifice, not altogether and in every part of the fairest proportion, but at least with a solid foundation, and resting on a good and wholesome basis. There is, then, the adoption for the future of the principle of a wholesome system of municipal government, and which, if it stood almost alone, we might with propriety accept. But besides this, there is the introduction of a good system for the administration of justice in many of the boroughs: there is the appointment of a recorder, who must be a person versed in the law, and well qualified to dispense justice in place of the mode which is now adopted, under which recorders are appointed by personal interest, without being connected with the law or acquainted with the object or due administration of the various Local Statutes and Acts for the regulation of the officers of the towns to which they have been nominated. In another respect I think we have made a great improvement—I allude to the freemen; because, although we admit that they should preserve what have been styled their rights of property, and although we preserve their right of voting for Members of Parliament, yet we do away with them as municipal electors; they form no part of the system of municipal government, or if they enter into it at all, they must, like the rest of the electors, depend for a qualification solely on the uniform right of the payment of rates. With respect to the boundaries of these boroughs, there are ninety-three of them in which the boundaries have been settled by the Commissioners appointed for the purpose, and great improvements have been thereby effected. There are, I think, various other improvements introduced by this measure; and one of the most important of these improvements, as well as one with which no party can find fault, and which must be equally acceptable to both sides of the House, is, that a good police will be established in those towns by means of a watch committee, appointed by this popular Council, to which they can refer in all cases where the quiet and security of the towns are in question. I think, then, that a measure containing such advantages, and containing in itself the germ of many other improvements, enables me safely to say, that this Bill is the foundation of an improved system of government in our municipal towns. Amongst the objects to be effected, and of which the foundations of improvement are laid by this Bill, I must say, that I look as to one of its most beneficial results, the proper and just distribution of charitable funds, under some body so circumstanced and appointed as to render the abuse of these funds to individual purposes impossible, and to secure their distribution according to the genuine intentions of those by whom they have been bequeathed. I say, then, that looking at this Bill as a whole—although I do not say that I am altogether satisfied with it—although I say that I think pains have been taken, and unfortunately taken, to provide that this shall not be a final measure, and that it would be useless for me to make any declaration to that effect, because those who have framed these amendments seem to have taken special care that it should not be so considered; I repeat, therefore, that viewing the question in this light, I think I am justified in recommending to the House of Commons to put an end to the controversy which is at present carried on between the two Houses of Parliament with respect to these amendments, and to agree, by assenting to these amendments, that this Bill shall become an Act of Parliament. I have no doubt myself that when this new constitution of the boroughs comes into effect, and when those elections appointed by it shall take place, we shall find not only that it will be productive of great improvements, not only that many defects will be remedied, and many abuses corrected by it, but that the working of the Bill itself will point out how the whole system may be perfected with the general assent of the Legislature. Sir, I know that with respect to any great measure of this kind, it is not possible, in a mixed constitution like ours, to carry at once into effect, by one single enactment, the whole reform which may be considered necessary. As long as I have had a seat in Parliament, and in all the great reforms in which I have had the honour to take an humble part, my maxim has invariably been to admit something which I myself object to, in order to place upon the statute-book some proof to attest the progress of liberality in our institutions. I pursued this course with respect to the Test and Corporation Acts; for objecting, as I did, to the introduction of any acknowledgment of a religious creed, and thinking it wholly unnecessary, I was glad to accept that, whilst I obtained the solemn and positive declaration of Parliament, that the sacramental test was profane and abominable. With respect to the Roman Catholic question, I differed from the policy of those who, after a Committee of this House had sat upon it, then desisted from their advocacy of it, because the privilege of seats in Parliament would not be granted. I may be wrong in the opinion, but I do believe that had a Bill with such restrictions passed at the time to which I allude, the remaining points would have been much sooner granted than when the whole of the disabilities of the Roman Catholics were at once removed. With regard to a measure of this kind, if we lived under the government of an arbitrary monarchy, or a government totally democratic in its nature, such a government might, I admit, pass such a measure in the state in which it is first framed and produced. The King of Prussia issued an edict several years ago appointing for the towns of his kingdom a new system of municipal government, by which the municipal officers were to be elected by the inhabitants of the towns. He experienced as little difficulty in carrying his project into effect, as a pure and uncontrolled popular government would encounter in carrying the objects contemplated by this measure into effect. But we live under a tempered Government. I can say for myself, that I wish to see all the reforms that are necessary carried into effect consistently with the existence and the maintenance of that tempered form of Government. If, then, we desire to obtain all the advantages to be derived from a tempered form of Government—and there can be no doubt that those advantages are great and numerous—we must rest assured that we cannot procure them without submitting to the obstacles necessarily thrown in the way of the progress of measures which are submitted under such a Constitution. If we duly estimate that tempered form of Government, we must admit that the benefits which flow from it far more than counterbalance the disadvantages arising from the obstacles and delays which are opposed occasionally to the passing of measures of a popular nature. That a perfect legislature, or a perfect body of legislators does not exist, is a truism which requires no proof, and I am, therefore, prepared to agree to these Amendments, and to propose to this House that they should express their concurrence in them, looking forward as I do on this subject, and on various other subjects, to future improvement in subsequent Sessions of Parliament. We have, no doubt, left much undone that we proposed to do with regard to Reforms; and not with reference to this Bill merely, but with respect to a Bill which ought naturally to follow it—I mean a Bill with respect to the Reform in Municipal Corporations in Ireland, which must necessarily be introduced in the course of the ensuing Session of Parliament. There are various other subjects which imperatively call for our attention: such, for instance, as the effectual removal of the grievances of Dissenters, and that Reform of the English Church which is required by the general admission and consent of all parties;—these, I repeat, are questions which must attract the serious consideration of the Legislature in another Session of Parliament. I shall think it a great advantage, that instead of breaking off from the House of Lords on points which perhaps in six months or a year hence they may not deem of so much importance as they do now, that this subject should have been already considered; and all the main principles on which a Reform in Municipal Government was required having been already discussed, that we should be called on only to direct our attention to the remaining defects of the system with a view to their removal by a full and efficient Reform. I think that we shall thus take the best course for carrying into effect, so far as lies in our power, the pledge which my noble Friend (Lord Spencer) gave at the close of the last Session of Parliament. At that period my noble Friend declared that we should be ready at the commencement of the present Session to introduce many measures of Reform. Before that time arrived a change of Government took place, and at the commencement of the Session we were told by the existing Government "that the Reports of evidence had been laid before us, and that they should receive due consideration;" but at the same time it had been conveyed by sundry hints and rumours, that a high authority had declared that the Commission appointed to inquire into Corporations was altogether illegal. From that period we have made this step—that we have introduced a great Measure, which has met with the general consent of Parliament. That Measure has been much altered; and, maimed as it is in many parts, I think that when it is passed into a law we shall fulfil the wish which was expressed to the Throne on the first day of the Session, namely, that we wished "to see Municipal Corporations subject to vigilant popular control." It only remains for me now to move, that this House doth not insist upon their disagreement to the Amendments insisted upon by the Lords, and doth agree to the Amendments made by the Lords to the Amendments made by the Commons to the Amendments made by the Lords in this Bill."

Mr. *Hume* could not help expressing his deep regret that the House of Lords had not thought proper to concur with the Amendments made by the House of Commons. That House evinced a desire to conciliate never equalled, and which was peculiarly striking when the resistance offered by the House of Lords to a Bill which, with the exception of the Lords, was universally desired, was borne in mind. This resistance was the more remarkable when the expressed wishes of their Lordships, with respect to a measure of Corporate Reform was taken into account. It was this. "The Lords participate in the anxiety manifested by the Commons to maintain a good correspondence and understanding between the two Houses, of the paramount importance of which to the public welfare the Lords are deeply sensible." They certainly had selected the strongest mode of carrying this professsed "concurrence" into effect, of almost any that could be devised. They declared it, too, to be a Measure of "paramount importance," but how it was possible to make the admission that no measure was more essential to the peace and interest of the inhabitants of this country, and yet to treat it in the manner in which it had been treated by the House of Lords was an inconsistency which to him appeared altogether inexplicable. He would call the attention of the House to the Speech from the Throne, at the commencement of the Session, in which his Majesty had stated that "He relied with entire confidence on the willing co-operation of the two Houses of Parliament, which was calculated to remove unjust causes of complaint, and to promote the concord and happiness of the country." Could the conduct of the Lords with respect to other Measures besides that of the Municipal Corporations' Bill — he meant particularly that most important one the Measure for the settlement of the Tithe Question, be for one moment considered as proof of compliance with that recommendation? The manner in which that measure had been disposed of, and the way in which the Municipal Reform Bill had been dealt with, at any rate showed this—that their Lordships took a most extraordinary course in meeting the wishes or acting in accordance with the feelings of the people. Was it not insufferable that that reform which was considered essential, and which that House had admitted to be necessary to the welfare of the people, should, except so far as it was granted by the mangled Bill now before them, be refused by the other House of Parliament? Then came the question—what were they to do? The Members of that House were perfectly helpless: the people had no power over the other House of Parliament. The only means by which a majority against the people in that House could be diminished, was by an exercise of the prerogative of the Crown, which it did not appear likely would be carried into effect. Whilst he said this, he could not but reflect that this Ministry had had a most arduous task to perform. There could not, perhaps, be a better example of the difficulties which they had had to encounter than that a noble Lord who was at the head of one of the most important branches of the military service of the country — the Horse Guards — withheld all support from that Government under which he acted, and to the members of which the noble Lord communicated, he supposed, all the proceedings connected with his command. It was no wonder that the situation of Ministers should be embarrassing, when those who occupied the highest posts of authority under them, and who were dependent upon them, were foremost in opposition to them. When, therefore, they found the Prelates of the Church and the Peers united in one bond to resist the just demands of the people, it behoved not only the Members of that House, but the people themselves, and the highest individual in the country, to consider well what might be the result of a continued course of such proceedings. It was perfectly true that a majority of an important branch of the Legislature were opposed to conceding to the demands of the people with respect to this measure, but it was true also that an equally important portion of the Legislature—that House—was almost unanimous in the opinion that they should be complied with. If reason and common sense, prudence and discretion, were (as they appeared to be) banished from the Lords, what could the country expect? Of what avail were the proceedings of that House when it was seriously held in the other House of Parliament that a particular measure ought not to be passed because a certain individual Member of that House had voted for it? Was such an avowal, he repeated, consistent with common sense, or prudence, or discretion? Such a course of conduct on the part of another branch of the Legislature rendered it the more imperative on that House cautiously and prudently to consider what steps were to be taken, and how they might overcome the difficulties by which they were surrounded. But it was not for them but for the people themselves to consider what proceedings should take place; and he earnestly hoped that from one end of the country to the other the people would proclaim that there was little use in a Reform in the House of Commons, if there was not also a Reform in the House of Lords. All their labours, and efforts, and sacrifices in the year 1832, and subsequently, were completely thrown away, if the acts of their representatives were to be annulled by a Tory majority in the other House of Parliament. Was it not monstrous that the Members of the House of Commons must labour almost incessantly night and day, with a view of carrying measures on which the peace of the country, the interests of the people, and the stability of the Throne depended, with no other result than to have the Bills which they carefully prepared quashed or rendered comparatively useless by the decision of an irresponsible body of individuals? Whilst, then, he protested against the proceedings of the Lords, not only with respect to this Bill, but with regard to the other Bills which were sent up to them, he felt bound to declare that it became an imperative duty on his Majesty's Ministers to be prepared, on the next assembling of Parliament, for the promulgation of some means by which the two branches of the Legislature might be rendered harmonious. It was impossible to imagine any situation more embarrassing or unpleasant for a Member of either branch of the Legislature than that in which he was called on to alter, in any respect, the constitution of the country. When, however, the public interest demanded a change they were bound to devise the best means of effecting it. There was one mode by which, he conceived, the constitution of the House of Lords might be reformed, and it had this peculiar advantage, that there was a precedent in its favour. He alluded to the nomination of Peers by the Crown. It was notorious that the Tories had been doubled in that House by Tory Administrations professing and acting on opinions directly opposed to the mass of the people. Would not his Majesty's Government, then, who conducted the affairs of the country on principles approved of by that House, and which were assented to by the great majority of the inhabitants of this kingdom, be justified in countervailing the preponderance of Tory Peers by the infusion into the House of Lords of individuals entertaining opinions in conformity with the great bulk of the people. If the Tories thrust Tories into the House of Peers, why should not the Whigs do the same, and let there be some principle of fairness or equality established amongst the members of it? This might be said to be interfering with the legislative power of the other House of Parliament; but was it not absolutely necessary to interfere in some degree with that power which had been invariably exerted against the interests of the people, when any great measure for their benefit was brought before them? He might here say he was sorry the right hon. Baronet, the Member for Tamworth, was not in his place, that he might have an opportunity of explaining the extraordinary inconsistency which was imputed to him in the report of a speech said to have been delivered by him at Tamworth; for with one breath he admitted the necessity for reforms, and with the other denounced all those who would meddle or interfere with that House, which refused all popular reforms. The Lords, whilst they professed themselves opposed to all innovations, were in fact the greatest innovators, for they had introduced hitherto unknown principles into the municipal government of the towns; they had insisted upon the division of the towns into a large number of wards, and deprived the local authorities of the appointment of the magistrates. He defied any individual who was acquainted with the ancient constitution of the municipal government of towns to deny that they, the House of Commons, were in favour of restoring, and the House of Lords of innovation in the management of these towns. He was willing, however, to accept this measure, on the understanding, that in the very next Session of Parliament, a Bill should be introduced to effect the objects which it was intended by this Bill to accomplish. With a solemn and distinct protest against the Amendments introduced by the Lords, he agreed to the reception of this Bill; and he was the more inclined to take that course, when he reflected that it introduced into the government of corporations the two great principles of annual election and popular control. Thanking the Government for the measure which they had so wisely, and with so just a sense of the true interests of the people originally brought forward, and the principles of which they were bound to see ultimately carried into effect, he did not consider it wise that that House should, when they could not get all they required, abandon a measure containing those most important principles. When they called to mind, too, the sentiments so lately expressed in the second manifesto at Tamworth, and the hopes which he who issued it built on the divisions of those entertaining liberal opinions, was there a man in that House belonging to that class, from the Ultra-Radical to the moderate Whig, who was not persuaded of the necessity of union in the present crisis? Were they not prepared to show that the expectations of a return to power by that party who have so long misgoverned the people, were founded on the grossest fallacy, if it was supposed that there was any other than the most decided opinion in favour of unity and agreement amongst the friends of the people. He for the last time repeated, that he took this measure as an instalment of that debt which was due to the country. And he, notwithstanding the complaints of some individuals, took the course which was pointed out to him, only from a conscientious conviction that it was now the best to be pursued. In conclusion, the hon. Member recommended unity to the Reformers, and to take the measure as the best which hey could now get, but certain to get a better measure hereafter.

Mr. *Blackburne* began by saying, that until the measure of Corporate Reform went up to the House of Lords, the Commission appointed to inquire into Corporations had not been impugned as unlawful, or the members of it charged with gross neglect of duty; much less was it urged that they deserved the most condign punishment for what they had done. When, too, it was stated by noble Lords, that the Report was a tissue of fallacies and falsehoods, and drawn up by persons not determined to inquire into the real state of Corporations, but by those who have been sent to supply evidence to those who had determined on their abolition, he thought it became his duty to state how the Commissioners had been appointed, and on what principles they had acted. First, with respect to instruction. The only instructions he ever received were those conveyed by the Commission itself. That Commission was preceded by the Report of a Committee composed of those who occupied the highest rank in that House—of the present Speaker, the Solicitor-General, and the right hon. Member for Tamworth. And what did that Committee report? Precisely that which the Commission directed the members of it to perform, and which they endeavoured to perform. What did the Commissioners do? Having met, he gave directions as to the mode in which the inquiry should be conducted. He gave a paper on the subject to every Commissioner. Before the Commissioners entered on the inquiry, a copy of that paper was sent to the Chief-magistrate and the Town-clerk of every borough that was to be included in the investigation. Surely that would have been a very extraordinary step, if the object of the Commission was to destroy the Corporations, and to satisfy the wishes of unprincipled partisans. Every one of the Comsioners took the course prescribed: and, except on one occasion, it was not until within the last two months that he had heard a single complaint against any of them. That one occasion had reference to a Commissioner who was supposed to have been greatly injured, merely because he did not concur in the performance of the general duties of the Commission. And even in that instance the complaint proved futile; for a criminal information having been moved for by the Corporation of Colchester against that Gentleman, the Court of King's Bench refused to grant it. And to whom was the Report of the Commissioners sent? Not to Lord Grey's Government; but to the noble Earl's successors. The Commissioners had been censured for not having given the whole of the evidence on which they formed their opinions. Had that complaint been made in the first instance, the deficiency could easily have been supplied. The fault, if any, was his own. He really thought that five or six large volumes was sufficient; and that to add five or six and twenty volumes of particular evidence was quite unnecessary. But though it had been considered better to give the evidence in the condensed form of the Report, he could safely state that there was not one statement in the Report which was not borne out by the evidence. If the Commission were illegal, how did it happen that, from November until March, when that Government was in office, the legal organ of which declared that it was illegal, and that all the proceedings of the Commissioners were null and void, it was permitted to continue? If it was illegal—if its objects were fraud, falsehood, and the interests of partisans, why was it not stopped during that period? Because the persons by whom that was declared knew full well that such a Commission was not illegal. They knew that such Commissions had been issued in every reign since the revolution. They knew that the Commission in question was the result of an Address to the Crown from the House of Commons, founded on the Report of a Committee. He would not have taken up so much of the time of the House on this subject, but when he found some of the highest persons in the realm in another place attacking the Commission, he felt it incumbent upon him to stand up in his place in its defence. He had hitherto abstained from doing so, because he did not like to interrupt the regular course of the proceedings of the Bill. Before those proceedings closed, however, he had thought it right to say these few words. With respect to himself, at the time when he received the appointment of Chief Commissioner, he was no willing actor in the scene; but having been asked to take the office he did so, because he thought he might render the public some service in it. If he might be permitted to say anything farther of himself, he would express his hope that during above twenty years of professional life, there was not a learned friend of his on either side of the House who had seen any thing in his conduct to warrant the belief that he was a fit subject to be picked out to carry into effect any base or corrupt object. With respect to his brother Commissioners, greater care, attention, vigilance, and correctness he never witnessed. If the House looked at the evidence taken at the Bar of the House of Lords, they would see that three-fourths of that evidence was in the report of the Commissioners; the rest was made up of general charges against the Commissioners, and of answers to questions put to the various Town-clerks, whether or not they would like to be turned out of office; the whole of which were crowned with this question, put to the Town-clerk of Liverpool, whether he really thought the Corporation of Liverpool would be improved by the operation of the Bill; to which his answer was, "Certainly not." That was a general specimen of the evidence taken at the Bar of the House of Lords on the occasion. In several instances the witnesses were asked of some statement in the Report, "Is not that scandalously false?" In general they avoided giving a distinctly affirmative reply; and were then pressed to do so. He certainly thought he had a right to complain of the conduct of the counsel by whom the examination at the Bar of the House of Lords had been conducted. He always understood that it was a counsel's duty to do all he could for his client; but that duty was accompanied by another, namely, that he should satisfy his conscience that he was not committing wrong. That became still more necessary when the attacks of counsel were made upon a class of persons, who like themselves, depended upon character, and who could never get on if it were supposed possible that they could be guilty of dishonourable conduct. The course which had been pursued on the subject by the right hon. Member for Tamworth, showed that that right hon. Baronet did not think there was any colour for the charges which had been made against the Commissioners. So far from showing that they were partisans, the Report proved that the Commissioners fearlessly and manfully did their duty, whether the consequence was for or against any party whatever. There might be some mistakes in so voluminous a Report; but they were only mistakes. He submitted, therefore, that the charges made against the Commissioners were wholly unfounded. Public meetings had been held in several places, and by them the Commissioners had been wholly acquitted of the imputations cast upon them. In answer to a complaint from the Recorder of Lancaster, of inaccuracy in the Report of the Commissioners respecting his attendance, he had been at Lancaster himself; and it appeared that there had been a resolution of the Corporation, to the effect, that if the Recorder could not attend to the duties of his office, he ought to vacate it; and he also found that the Grand Jury had presented him.

Mr. *Thomas Duncombe* said, that he had never felt himself in so difficult and embarrassing a situation as at that moment; conscious, as he was, that a heavier responsibility had never attached to the decision of the House than on that occasion. But with the strong feelings, and with the strong opinions which he entertained as to the course he thought the House ought to pursue, he trusted that he might be allowed briefly to state the conclusion to which he had arrived. In the first place, he could not concur in the eulogium which had been bestowed on the Bill, in its present state, by the noble Lord and by the hon. Member for Middlesex; because he considered it, not as the Bill of his Majesty's Ministers, or as the Bill of that House, but as the Bill of the House of Lords. In what light would a measure like the Bill as it at present stood—this mangled document, this apology for Reform—have been viewed by the House and the public had it been laid on the Table by the noble Lord or the hon. Gentleman? He would venture to say, that it would not only have been scouted out of the House, [*No, no*]—at all events such was his opinion. If in that opinion he was correct, why not treat the present Bill in the same manner? All that was real, all that was solid, all that was popular in the original measure, was entirely lost, and sacrificed to pride and old prejudices. Would any one read the Bill as it at present stood, and the Petitions which had been presented in such numbers from the people, and say that the former contained the reform which was sought for in the latter? When the people called for Reform, from the King down to the parish beadle, to give them such a Bill as the present was a perfect mockery. The concessions which had originally been made in the House of Commons had been made in a spirit of conciliation, and he had concurred in them. But there was a point beyond which concession ought not to go, and he maintained that the House had arrived at that. Not a single step more, could, in his opinion, be taken without dishonour, and a sacrifice of duty. He knew he did not speak the opinion of that House, but he spoke the opinion of nine-tenths of the people. He could not concur in the eulogium which had been bestowed on the Bill in its present state; because almost every thing had been struck out of the measure of the six heads into which it might be divided, viz. Qualification, Aldermen, Freemen, Town-councils, Wards, and Justices. As to the Aldermen, it was a fallacy to say, that they were to be only for six years. That was virtually a perpetuity. Taking the average lives of Aldermen, six years was a perpetuity. Then there were the wards. Would any one tell him that the Amendment made by the Lords in that part of the Bill was not for the purpose of facilitating corruption and undue influence at the election of Members of Parliament? As to the changes respecting the Magistrates which had been made in the Bill by the Lords, they were most obnoxious. Nothing was felt to be more desirable by the inhabitants of the metropolis and its neighbourhood—he was sure that that was the feeling of the inhabitants of the borough which he had the honour to represent—than to get rid of many of the blundering and partial Magistrates of the County of Middlesex. In his opinion it would have been far better if the Lords had, in the first instance, at once rejected the Bill, instead of paring it down, and destroying its value. Nor could he help thinking, that when the Lords made the Amendments, which they had made in the Bill, they were persuaded that if there was a spark of spirit or consistency in the House of Commons, or in his Majesty's Ministers, it was totally impossible that to those Amendments they could assent. The sum and substance of all the Amendments made by the Lords was, to increase the means of corruption. Unless the House of Commons pressed their own view of the subject, they would admit that the House of Lords was to be thenceforth the engine by which legislation in this country was to be regulated. The question was, whether the Reformed House of Commons was then and for ever to truckle to the House of Lords, or to fulfil the just expectations of the people. But the hon. member for Middlesex said, that the House was helpless. Good God! was it come to that! His answer was "Look back at the proceedings on the Reform Bill." There was a precedent for the House and for his Majesty's Ministers. It was impossible to recollect the various perils through which the Reform Bill passed, before its eventual triumph; it was impossible to recollect that it was only at the last hour, when notwithstanding the protests of some noble Lords, and the legal subtleties of others, a well-timed prudence and a kind of passive resistance caused it to be acceded to by the other House, without feeling that that formed an excellent precedent for the steps which ought to be pursued on the present occasion. In his opinion, but one course was open to them and to his Majesty's Government. Let them boldly declare that they would uphold the Bill in its integrity; leaving to those who ventured to destroy it to answer to the people for their conduct. Seeing what were the wishes of the majority, he would not take the sense of the House; but he must strongly protest against the noble Lord's motion.

Mr. *Freshfield* observed, that some of the Amendments which had been made by the Lords in the Amendment of the Commons were great improvements in the Bill. In one Amendment of the Commons it was stated, that if his Majesty were advised by the Privy Council to approve of the division made by the revising barrister of a borough into wards, then, and then only, should the division appear in *The London Gazette;* and then, and then only, should that division actually take place. This Amendment the Lords agreed to, but stated that they found it necessary to add the following provision: "Provided always, that if his Majesty, by advice of his Privy Council, shall not approve such determination, such publication as aforesaid shall nevertheless be made, and such division be in force, for the purpose of any election under the provisions of this Act, and until such time as his Majesty shall, by advice of his Privy Council, upon further information and report from such barristers, definitively approve the division of such borough into wards, in manner hereinbefore mentioned." The reasons given by the Lords for adding this proviso were:—"Because, without such proviso, by virtue of the Amendment made by the Commons, if his Majesty should be advised by his Privy Council not to approve the determination of the barrister as to the division of any borough into wards, no publication thereof could take place, and no division into wards could have effect, while nevertheless the election of councillors would be made by the burgesses of the whole borough so remaining undivided—a result contrary to the intention of the two Houses, as expressed in the preamble to the said Clause, where it is declared to be expedient that certain boroughs of large population should be divided into wards before any election of councillors for such borough should take place." Now, it was impossible to deny that this Clause of the Bill had been much amended by their Lordships, whose object evidently was, to carry into effect a part of the measure which might otherwise have been inoperative.

Sir *Samuel Whalley* thought the hon. Member for Finsbury did the House of Lords too much honour to call the measure the Lords' Bill. Admitting that much which was good had been taken out of the Bill, so much which was good had been left in it, that he had no hesitation in acquiescing in its adoption. It took away the old corporations, and replaced them by new: it secured elections by household suffrages; it provided that the officers of corporations should be duly elected; and in various ways it did much to improve municipal government. He did not look upon the Bill as a compromise, so much as a measure that must inevitably lead to other great measures of reform. Into the field in which those other measures must be discussed, he wished to go with all the arms he could get. It was a consolation for their having done so little during the Session, that it was wound up on almost the last day by the completion of a measure, the tendency of which was to attack corruption in one of its strongest holds.

Mr. Sergeant *Wilde* fully concurred in the opinions which had been expressed as to the expediency of the House of Commons adopting the Bill in its present state; but at the same time he could not too strongly declare the regret he felt at the alterations which had been made by the Lords. He felt satisfied that the real and sole object of those alterations was, to retain as much as possible of the old system of corruption under the new state of things that would be created by the Bill, and he firmly believed that their Lordships, in making the alterations, never intended or expected that the Bill would be received and passed by the Commons. He was convinced, indeed, that the highest gratification that could be afforded to the Lords would be, for the House of Commons to reject the Bill as it then stood. That however was, in his opinion, the last course that the House ought to pursue. because, although the Bill, in its mutilated state did not give all that could be desired, still it must be remembered that the effect of it, even as it then stood, would be to establish throughout the kingdom legal bodies, through which the public opinion might be made legitimate, to bear directly upon both branches of the Legislature. The hon. and learned Gentleman went into a detail of the circumstances under which the Bill had been introduced into Parliament, and then drew a comparison between the manner in which it had been received, discussed, and considered in the two Houses. Alluding to the speeches of the counsel heard at the Bar of the House of Lords, he observed, that no two speeches that he had ever heard fall from the lips of men had occasioned him so much surprise and astonishment. They exhibited not only a total ignorance, or total forgetfulness of the contents of the voluminous reports which had been printed upon the subject, but they abounded in statements relating to constitutional law so utterly groundless, so completely ill-timed, so grossly at variance with all that was known and understood upon the subject, that he would venture to say, no lawyer's clerk who had been six months in an office, would have disgraced himself by uttering them.

Lord *Sandon* rose to order. He appealed to the House whether it was desirable that what had taken place elsewhere, previous to the consideration of the details of the measure, should now be made a matter of discussion in the House of Commons. He appealed to the Speaker whether it was not desirable that some limit should be put to a species of discussion which had no reference to the points really under the consideration of the House.

Mr. Sergeant *Wilde* begged to assure the noble Lord and the House, that it was not his intention in any degree to offer any disrespect to the other House of Parliament. In the observations he was making when the noble Lord interrupted him, he was merely discussing the difference of the mode in which the Bill had been treated in the two Houses. The lowest tribunal in the empire would be degraded by listening one moment to the evidence which had been produced at the Bar of the other House, yet there it was not only received, but cheered to the very echo, and by way of completing the solemn mockery, was gravely declared by their Lordships to be convincing. He had already stated the regret he felt at the alterations which the Lords persisted in making in the Bill—they were important, but they were not fatal; they left in full and unimpaired vigour the great principle upon which the Bill proceeded, and from which, as time and popular intelligence advanced, many benefits and many blessings must necessarily spring. Still he believed that the reason why a stronger and more general expression of feeling had not taken place with respect to the Lords' Amendments was, because that the full effect of them was not yet sufficiently understood. The effect of the rating qualification in the town of Newark would be to exclude every alderman except one—even the mayor would not escape. In conclusion, the hon. and learned Gentleman observed, that the country, looking at the course which had been taken in the two Houses of Parliament, the manner in which the Bill had been considered in that House, the principle upon which it had been introduced, and the manner in which the Lords' Amendments had been received, would have good cause to perceive that the reformed House of Commons was a safe House of Commons, and that if it had not achieved all that could be desired, it was only because the people had not given them a stronger force.

Viscount *Ebrington* congratulated the House on the disposition which it showed to let the Bill pass, however much they might quarrel with it on certain points. He was also glad that there was to be no division on the last Amendments sent up from the Lords, because if a division were to take place, it would only tend to increase the hopes of the Tories, whose expectation of a difference on this Question among Reformers had probably suggested some of those alterations on which they so pertinaciously insisted. When he agreed with the Amendments as they were sent back from this House he considered himself as entering into a sort of compromise, and had they been so accepted, he would have felt very unwilling to see the subject opened again till after the Bill had had the fullest trial, but in taking it as it now stood, though he felt that all compromise was at an end, he did not intend to impugn the right of the other House to exercise its fair and constitutional privilege; and much as he was disappointed that such was the case, still he was not very sorry at the position in which they were placed, because, from the admirable speech made by his noble Friend that night, and from the intelligence and judgment and spirit with which the Bill sent up to the Lords had been framed, and enforced by his reasons, he was confident that it could not be a final, as it was not a satisfactory measure. But with all its defects, it still gave a power to the liberal party which would enable them ere long to carry out to the full this important branch of reform. On these grounds, therefore, he accepted the Bill, in the cordial hope that before the close of another Session of Parliament, they would see it materially amended. His hon. Friend, the Member for Middlesex, and the hon. and learned Member who spoke last had described the position in which the House of Lords stood, and spoke of the necessity of Reform in that House. In alluding to the observations of these hon. Members, he had no wish to speak with vituperation or reproach of the House of Lords. From the beginning of his political life he had ever been of opinion that the three branches of the Legislature should be allowed to employ their distinct and proper functions for the advancement of the public weal and the good government of the country; but he had always been anxious to see a concurrence of feeling and harmony among the three branches, because he was convinced that it was only by the harmony of all the three that any of the branches could be beneficial to the country He, therefore, deeply regretted to see the present discordance between the two Houses, as it must necessarily tend to lessen the respect and regard which the public were disposed to show towards the Legislature. Though he disapproved of some remarks that had been made both here and elsewhere with regard to the Lords, still he could not shut his ears to the impression that had gone forth among a large portion of persons, not of extreme opinions, but, on the contrary, removed from the turmoil of party politics, and accustomed to judge not from party feelings, but from practical results. He could not shut his ears to the opinions expressed by such persons of the impossibility of the two branches of the Legislature continuing as they were; and anxious as he was that each of the three should enjoy its full integrity and the full exercise of its rights, at the same time he could not but feel deeply impressed by the prevalence of the opinion to which he had alluded. He was persuaded that the veneration which belonged to the House of Lords in the eyes of the people of England would not continue, unless the people found that the principles of the House of Lords worked practically better for good government. In what he had said, he had expressed his sincere and conscientious belief, a belief founded not merely on his own speculations, but on what he had heard from many thinking and intelligent persons who were far from being the advocates of extreme measures. He earnestly hoped that the House of Lords would consider seriously of this in a spirit which the importance of the case demanded, and that in the course of the next Session of Parliament that assembly would exhibit a tone and temper better adapted to the present state of public opinion than it had done in this. He could not sit down without paying his humble tribute of approbation to the hon. and learned Gentleman who was at the head of the Commission of Corporation Inquiry, for his clear and conclusive defence of himself and of those who were associated with him in that inquiry against the aspersions which had been so unjustly cast upon them. Every one who had heard that defence must, he was sure, have felt great satisfaction at the opportunity that had been afforded to that hon. and learned Gentleman to do himself and the other Commissioners justice; and he was also sure, that whatever might have been said, of them in another place, the fullest credit would be given to all those Commissioners by the House and the country, for having conducted their labours with great ability, as well as with the strictest honour, impartiality and justice.

Viscount *Sandon* adverted to the observation of the hon. and learned Gentleman (Mr. Blackburne) respecting the very strong language made use of in the House of Lords against the Commissioners, and perfectly agreed with that hon. and learned Gentleman that it would have been more discreet if their Lordships had refrained from the use of such language; but at the same time the House of Commons was much more reprehensible for allowing some of its Members to use language respecting the House of Lords of a much stronger nature, which, so far from being checked by the House, was cheered even by some of his Majesty's Ministers. [Sir *John Hobhouse*: By whom?] He had certainly heard a cheer from the Ministerial bench, but, being short-sighted, could not fix it upon any hon, Member. When he complained of the language so used towards the other House, there were cheers from the opposite bench, but they were not cheers of encouragement to him but of encouragement to those who used that language. Indeeed, it seemed to him that while they were attempting by their measures to avoid a collision between the two Houses of Parliament, they were in their speeches expressing the greatest regret at doing so. The hon. and learned Member for Dublin had said that a collision had already begun. Now it was not in the nature of things that two co-existent bodies, having co-equal powers, could always agree; but still that occasional difference of opinion might very well exist with a perfect harmony in the general proceedings of those two bodies. The conduct of the House of Lords had not been such as to alter this Bill so as to make it impossible for the House of Commons to agree with it. On the contrary, it was the opinion of many in this House, that the Bill was a very great improvement of the Municipal Corporations; and not only so, but that it would be the means, by-and-by, of obtaining other improvements. What right, then, had hon. Members to find fault with the Lords, because, in the first instance, their Lordships had not gone the full length that the House of Commons had gone? He thought that the Bill, as it now stood, was as near an agreement between two bodies of co-equal powers, on such an important measure, as it was possible to obtain. He was perfectly satisfied with the Bill as it now stood. Indeed he should have been satisfied with it, even without some of the changes which the Lords had made in it. But had he a right to quarrel with the othe House of Parliament because they had made those alterations? What would be the value of the other branch of the Legislature, if they were merely to be allowed to record the edicts of the House of Commons? Besides, what was the amount of the majority even in the House of Commons for the fullest measure of Reform on the subject of Corporations? Let the House consider whether it was not too much to say that a majority of thirty-five should not only govern the House of Commons, but should govern also a co-equal branch of the Legislature? He had not intended to trouble the House with any observations on this occasion, nor did he wish to be considered as making any charge against his Majesty's Ministers. On the contrary he thought the course they had pursued did them the highest credit. He was speaking only of this particular occasion. He thought they did themselves the highest credit in acceding to the Amendments of the Lords in a measure which he hoped would tend to maintain the limited monarchy of this country by mitigating the transition from one state of things to another, and combining in stricter bonds of amity the mixed and balanced constitution of the three component powers of the State.

The *Chancellor of the Exchequer* said, the concluding observations of the noble Lord rendered it unnecessary for him to advert to the charge that Ministers had cheered the language that had been used in this House, towards the House of Lords. He agreed with the noble Lord that it was wise and proper not only for this House but for the House of Lords, to uphold a co-equal branch of the Legislature; but while he said this he, as a Member of Parliament, would maintain that when any Amendment came down from the Lords to this House he had a right to analyse it, to discuss it with freedom, to point out where he conceived the Lords to be in error, and to suggest that course which it seemed to him most fitting to take. Although his noble Friend had complained of improper language being used towards the House of Lords, yet he had carefully abstained from noticing the general course of debate on the Lords' original Amendments. Let him bear in mind that that debate was conducted in a spirit which induced them to hope that they would be spared any further discussion by the acceptance of the Bill in the House of Lords. The whole course of that debate was marked with temper, moderation, and respect for the House of Lords. If the sole object of the House of Commons on that occasion had been to show respect and deference to the most delicate sensibility of the House of Lords, spiritual or temporal, no other course than that which was actually adopted could have been taken. [Viscount *Sandon* : Strong language was used by the hon. and learned Members for Bath and Dublin.] If that were so, how, let him ask, was that language met by the House? But was not the most mild and most respectful temper shown not merely in the tone and character of the debate, but what was more, in the character of the Amendments made upon the Amendments of the other House? He rejoiced in the spirit manifested in the debate and in those Amendments, because it displayed on the part of the House of Commons a desire to afford to the Lords an opportunity of conciliation. He knew that if the House of Lords had grasped that opportunity of setting themselves right with the country by a frank and cordial expression of an union of opinion with the House of Commons in the Amendments this House then sent up to the Lords, they would have done more to defend the House of Lords against evils than could ten thousand angry speeches made at the Bar of that House, or ten thousand cheers from those who heard those speeches, or ten thousand defences of the Lords on the part of his noble Friend (Lord Sandon). All would have been forgotten except their acquiescence in the Amendments; therefore one of his reasons for regretting that another course was taken was not merely that the Bill had not been improved to the extent that it might have been, but that the House of Lords had missed one of the greatest opportunities for setting themselves right with the country that ever was offered to them. At the same time, neither now nor at any other time had he spoken with the slightest disrespect of the House of Lords. But looking back to the course pursued by the House of Lords for the last fifteen years, he saw that if that course were persevered in, it must impair the usefulness of the Peers, to the public. It was true their Lordships had agreed to many salutary measures. Indeed, he never despaired of their Lordships' acquiescence in any measures of improvement that might be proposed to them—sooner or later. He did not despair that they would acquiesce sooner or later in the Amendments which they had now rejected. But when he had said, "sooner," they had always said "later." They had acquiesced in a manner which rendered their acquiescence valueless frequently to those upon whom the boon was conferred. Look back to the Catholic Question! Look back to the Question affecting Dissenters! In like manner look back to the Question of Reform! Reform like the other two measures, was at first resisted by the Lords boldly, and apparently upon principle; it was afterwards conceded but in a manner that at least did not increase the value of the concession. This Bill again: why, every Amendment that was made by the Lords had the effect, so admirably stated by a right hon. Gentleman not now in his place, of implying distrust without conferring security. The House of Lords, feeling reluctant to adopt the principle of popular reform, must necessarily feel more reluctance than the Members of a Reformed House of Commons, to such measures as the present. But, surely, the day, would soon come when the two Houses of Parliament, either from conviction or necessity, would place themselves upon a more harmonious principle for combined action. The time was coming—the very admissions in this Bill proved it. Might it come speedily, and avert the dangers that must otherwise threaten the country. He believed this Bill was a great point gained. He differed altogether from the statement of the character given of this Bill by the hon. Member for Finsbury. He said that even with the Amendments of the Lords, it contained more practical good for the promotion of popular feeling in a right direction, than any measure that had been propounded in Parliament since the Reform Bill: for it had a more active operation than the Reform Bill itself; it touched classes of men and topics which the Reform Bill did not touch. It concerned the administration of justice; it regarded the application of public funds; it gave to the people public duties to perform; it opened to them a new career of public usefulness; it intrusted to them the superintendence of their local affairs; so that when this Bill should be in complete operation, it would be found that a new and improved public spirit would be developed. This Bill therefore, was not to be undervalued, as the hon. Member for Finsbury would fain undervalue it. On the contrary, it was the greatest boon the Legislature could give to a free people. But for all this he regretted that the Bill was rendered less efficient by the introduction of the Lords' Amendments. His noble Friend (Sandon) had spoken of the mitigating power of the Bill. If the mitigation were one from evil to good he did not like a slowness of transition. [Viscount *Sandon* said, that the Amendments of the Lords were a mitigation of the original provisions of the Bill.] The Bill was an infusion of good into the old system of evil; but the Amendments of the Lords were an infusion of evil into the new system of good. They were such an infusion as took place on the Reform Bill of the ancient freemen (for instance) into the new constituency of householders, in order to mitigate the transition from evil to good. Such a mitigation was like introducing all the mischiefs of a cholera hospital into a town hitherto free from the infection. They knew what the mitigating system had been in the case of Great Yarmouth. He had hoped that this debate would have been saved the House, but, as it was, he did not think the observations that had been made were more than his noble Friend himself would have felt justified in making if he himself had been a sincere friend of the Bill.

Mr. *Tennyson D'Eynecourt* rose principally for the purpose of saying that though in conjunction with a great majority, of the Liberal Members of that House he highly approved of the course which Ministers had taken with regard to this Bill, yet, in surrendering his own opinions, and in assenting to the Amendments of the Lords (especially that which respected the appointment of the Magistrates,) he wished to be understood, as making that concession under the strongest protest that a Member of that House could make against being tied down by it, to surrender what his hon. and learned Friend the Member for Newark, (Mr. Sergeant Wilde) had justly called, the "sacred right of the people of England:" viz. the privilege of appointing their own Justices to administer the local affairs of their Municipal Jurisdictions. He, his hon. and learned Friend, had justly stated what the ancient law was upon that subject: and though he agreed with him that that ancient law was not always to be adhered to, still he felt right in saying that the ancient basis of the common law had been originally introduced into these Corporations, and that succeeding charters had almost always adhered to it. When, therefore, he was called upon to assent to an Amendment by which he should purchase what he conceived to be their undoubted right—to reform abuses in the Corporations—he must be permitted to say, that in making that surrender, it was from the confidence, almost unlimited, which he felt in his Majesty's Ministers: with respect to what had been said by the hon. Member for Finsbury, he must say that the value of the Bill had been greatly underrated by that hon. Member who appeared to have been carried away by his feelings on the occasion. Undoubtedly, the Qualification Clause, the alterations as to Aldermen, and especially as to the Justices, were literally the Lords' portion of the Bill: but there were other parts of the Bill in which they bore no share: except by consent, and which would introduce the greatest improvements into the system; therefore he was willing with the majority of that House to accept the Bill, though under protest against being bound by it in a future Session. He had come to this conclusion, but he had doubted whether, considering the demonstration of public feeling, which would and must take place through the country, on being informed of the Amendments introduced by the Lords, and which might probably induce them to alter their course in the next Session;—whether, looking at the whole course of the proceedings of that House ever since the Reform Bill passed—now three years ago; and especially during the present Session, when Bill after Bill had been thrown out by that Chamber, almost with contempt; when they had sent down this Bill, but in such a state that the House of Commons were debating whether they should accept it or not, and only accepted it under the strongest protest:—he did say, that considering it would be impossible if that course were persevered in by the other House that it could long exist as a co-ordinate branch of the Legislature, he had doubted whether the moment had not come, when having a great public principle on which they could lay their hands (to which he had already adverted) coupled with the proceedings of the other House for the present and two preceding Sessions, he had doubted whether the moment had not arrived contemplated by his hon. Friend, the Member for Middlesex, when some check must be placed on that other House of Parliament. It was impossible that matters could go on as they were, and notwithstanding the laughter of the gallant

Member for Lincoln, Colonel Sibthorp, he would tell that hon. and gallant Gentleman, and the House, that the legislative machine could not proceed, unless the Constitution of either House of Parliament was changed. Either the House of Commons must go back to its former state, in order to accommodate itself to the opinions of the other House, or that other House must undergo some change, to make it accessible to public feeling, and willing to co-operate with this House. That was common sense: that was the feeling of the people of this country: and, he repeated, he had felt his doubts whether they should accept the Bill, or whether the time had not come when they should make a stand, reject the Bill, and pass Resolutions expressive of their opinions on this great subject. He trusted, therefore, that having with a large majority of the Liberal Members agreed to the former alternative, he should not hereafter hear any insinuations as to the character of his Majesty's Ministers, because, differing from them as he did on other subjects, he could not help rising when he saw the walls of the city placarded with "Infamous Treachery!" of the Government, and affirming that in his opinion the House of Commons without compromising their own dignity, had set an example to the other House, which the other House would do well to imitate. He trusted the hon. Member for Finsbury would not divide the House: and by so doing place many of the liberal Members who had opposed the Lords' Amendments in a most invidious situation.

Sir *William Molesworth* felt greatly grieved at the course which the House appeared about to take. He considered they had gone too far in the path of compromise and concession: and in their efforts to conciliate the foolish antipathies of that Assembly, which by its late conduct had shown itself to be utterly unacquainted with the wishes of the nation, after having so long assented, and assented in vain, to meet their wishes, they found themselves again called upon to compromise and recede still farther, and he for one must protest against it, as a course in which he took no share whatever. Of what use was the House of Lords? He rejoiced that their conduct afforded the nation an easy and simple reply to that question: that their conduct was politically evil. He felt gratified that such a consideration would be almost universally diffused, for how plainly soever it was proved that it was impossible that two independent bodies could long co-exist in the nation without bringing the political machinery to a stop: how clearly soever it might be proved that the interests of an aristocracy—an exclusive set—were opposed to the real interests of the community, and that the power given to them would be abused: yet ten thousand times ten thousands treatises would not produce one tithe of the commotion in the minds of the people which the conduct of the peers for the last two or three Sessions would create. A few years back, such opinions as he was then expressing would have been received with astonishment; but now a mighty change had taken place in the minds of men, and every second person with whom he conversed held opinions not very dissimilar from his own. How had that change been introduced? By that conduct to which his right hon. Friend the Chancellor of the Exchequer, had just so admirably alluded—on the Reform Bill—the Repeal of the Test and Corporation Act—the Irish Church Bill—the Irish Registration Bill—and the Municipal Reform Bill, for England and Wales—above all, the manner in which they had shown themselves to be utterly indifferent to the grievances of the people of England, and to the crying wrongs and sufferings of Ireland. Let them pursue their course a little further: let them reject two other Bills equally beneficial to the people of this country, because opposed to their silly prejudices—and the period would quickly arrive (which he for one would be glad to see) when an end would be put to the privileges of an hereditary aristocracy—of that body which, in his solemn belief, could never be reformed, save by being dissolved!

Mr. *Lennard* said, it was with regret that he allowed the Amendments of the Lords to pass without opposition—especially that Amendment which deprived the Town-councils of the nomination of the Justices. He considered that provision to be one of the most valuable parts of the Bill which had been sent from the House of Commons. It was valuable, as tending to secure proper Magistrates for the boroughs, and still more valuable as recognizing the right of the people to choose their own Magistrates; a right which, as had been stated by the Member for Newark, was in former times recognized to belong to the people. The prerogative of the Crown in this respect, of which so much had been said, was an encroachment on the rights of the people, and an encroachment which, from what he had observed, he thought had often worked very ill. It was with great regret that he found it necessary to allow the Amendments of the Lords in this respect to be passed without opposition; but it was a satisfaction to him to have heard a distinct declaration from his Majesty's Government, that the present measure was not in any way to be looked upon as a final one. For his own part he protested against being in any way bound by what was now done; and he said this in order that next Session, if a proposal should be made for giving the people that election of their Magistrates which had been refused to them by the Lords, it should not be objected that the question had been settled by Act of Parliament. With reference to the House of Lords, he believed, from all he had seen, that the conduct which had been long pursued by that House, had impressed the people with a very strong feeling, and one which was exceedingly difficult to be restrained; and he could not help expressing his opinion, that the time was come when it was absolutely necessary for that House to put itself in harmony with the people.

Mr. *Hughes Hughes* said, that it was admitted upon all hands, that this Bill was one of the greatest boons given to the country since the passing of the Reform Bill, and he for one felt much indebted to the other House of Parliament for the improvements which they had made in the Bill sent up to them from this House, and especially for their preservation of the rights of the freemen.

Colonel *Sibthorp* could not avoid that opportunity of tendering to the House of Lords his most grateful thanks for the manly part they had acted in respect to this Bill. He thanked God that there was a branch of the Legislature which was ready to act a bold, manly, straightforward, and fearless part.

Mr. *Wallace* expressed his delight at the course which this night had been taken with respect to this Bill. The Bill was now safe in the custody of this House, and could not be further impaired. He tendered his thanks to the Committee which had recommended a Commission—to the Commissioners who had so ably performed the labours of the inquiry, and to his Majesty's Government for having so wisely and promptly acted upon the Report of those Commissioners.

Sir *Edward Codrington* protested against the mutilations which had been made by the House of Lords in the original measure, but accepted the Bill in its present state, as an instalment of the Reforms which he should not rest contented until he saw fully carried into effect.

Major *Beauclerk* said, that the mutilations of this Bill, as well as the rejection by the House of Lords of other measures which had been passed by this House as necessary for the public benefit and welfare, were evident proofs of the necessity of some remedy for the evils of an irresponsible body such as the other House. He thought the House of Commons had upon the present occasion acted a most puerile part. This House had attacked the House of Lords in all manners and shapes during the discussions on this measure, and though he believed that House had in the adoption of these Amendments acted as conscientiously as this House had done in carrying the original measure, yet it should not be forgotten the Lords had entertained and carried out notions and opinions contrary to the views and wishes of the great body of the people of this country. Formerly this House was clearly under the command of the other House of Parliament, but now things were changed, and sooner or later the Question as to the powers of the other House must be settled. With these observations he should content himself with protesting against the Lords' Amendments, especially as related to the qualification and the division into wards, and at the same time expressing a sincere hope, that the Bill in its present shape would effect all the good which its supporters now anticipated from it.

Mr. *Ward* did not think that this House had lowered itself in the estimation of the people by the manner in which it had dealt with this Bill. Considering the small amount of concession, it would have been the height of absurdity if the House had rejected so much of good which undoubtedly this Bill still contained, and which he hoped in twenty-four hours to see the law of the land. He believed it would not only be found a good working Bill, but would afford the means of those other Reforms to which all now looked with feelings of the most intense interest. He hoped, next Session, that this House would firmly assert its rights, and show to the other House, that the whole work of legislation was not to be paralyzed by the Upper House, and that the Resolution adopted by this House, by which one Ministry was broken up, should not be treated by the other House as so much waste paper.

Mr. *Philip Howard* condemned the course which had been pursued by the other House with respect to this Bill, though he could not concur in the language which had by some hon. Members been applied to the House of Peers. He put his trust in the support of the people—in the consistency of the Commons' House of Parliament, and in the energy of the small, but tried minority, of the House of Peers; and he entertained a fervent hope, that through these means they should be able to arrive at those rational Reforms which were essential for the well-being of the country, without those violent changes in the Constitution that had been openly invoked. He agreed with his hon. Friend, the Member for Maldon, that by the rejection of the Clause which gave to Town-councils the right of nominating Justices of the Peace, the country, and the towns Corporate had experienced a severe loss. He did not concur with many hon. Gentlemen in saying, that the Bill had been brought forward by his Majesty's Government for party purposes; on the contrary, it had been brought forward with a view to open to every man civil honours and civil rights. Those honours would no longer be exclusive; and he hoped ere long to see that hitherto unknown personage in a city—a Whig Mayor. He must also remark, that he could not concur in much that had, in the course of the debates, been thrown out against the freemen. If they were unworthy to retain their rights now, they were equally so on the passing of the Reform Act. If that body had not then been held to deserve to retain their alleged monopoly of power, they would not then sit there, a Reformed House of Commons. The freemen of the city he had the honour to represent, had ever manifested a readiness to place their rights upon the altar of their country. This proved, and was a pledge, that there were amongst the freemen of England honest men who were not dead to the voice of patriotism. He was rejoiced at the heroic course which his Majesty's Government had taken on the present occasion—a course which entitled, and would secure to them the lasting gratitude of their fellow-countrymen.

The Resolution was proposed by Lord John Russell, and carried.

ORANGE LODGES.] Mr. *Hume* presented the Report of the Committee appointed to inquire into Orange Lodges. On moving that it be printed, he took the opportunity of saying, that as there was not time for the printing of the Report and putting it in the hands of Members before they separated, he felt bound to state that the Committee in the Report recommended to the attention of the House the order issued by Lord Hill, of the date of the 31st of last month, in which it was stated that any officer or soldier attending an Orange Lodge should be subject to be tried by a court-martial for disobedience of orders, and might be dismissed the service, or otherwise punished. The Committee also stated that they were bound to observe that in nearly every corps in the service, whether the militia or regular forces, at one time or other an Orange Lodge had existed. The system extended to the regiments at Malta, the Ionian Islands, Gibraltar, Van Diemen's Land, and to a very great extent in the Canadas; and that at present efficient measures had been taken to put an end to the Orange Lodges in military bodies. The Committee also suggested to the House the propriety of dismissing from every office, civil or military, every person who continued to hold any office in connexion with the Orange Lodges. He would, however, lay on the table the Address he intended to propose at the beginning of next Session, if his Majesty's Government did not previously come forward and recommend the Crown to dismiss any person from his office who was connected with any society in which there were secret oaths, and secret signs and tests.

Colonel *Perceval* was anxious to offer a few observations before the Report was ordered to be printed. He agreed with the hon. Member in hoping that the order of the Commander-in-Chief would have the effect of preventing the continuance of Orange Lodges in the army. It was the opinion of the noble Lord at the head of the army that the existence of such Lodges was prejudicial to the service. He bowed to that opinion. But he did not agree with the hon. Member in thinking that merely being an Orangeman disqualified a person from holding office under the Crown. He had the honour of being a member of the Orange Institution, and he denied that that society was bound together by secret oaths or signs; for all the signs and tokens had been made known to the country through the Committee of that House. The Orangemen denied that there were any secrets in these societies; they were merely a body of loyal subjects bound together for their mutual protection, and for supporting the Crown of the country and maintaining the connexion between England and Ireland. Therefore he did not see how the hon. Gentleman could be justified in recommending to the House a motion to the effect which he had stated. The order of the Commander-in-chief not merely regarded the Orange Institutions, but all other Societies. The hon. Member, therefore, should make his motion applicable to other Societies as well as to Orange Lodges. It was notorious that Secret Societies, properly so called, existed both in the army and out of it to a very considerable extent. It was known that many Riband Societies existed in the army. He had been told that none of those Societies existed in Ireland, but he knew that there were many. They also were of such a character that the House would be able to get at their secret organs. He was told that the Orange Society was a political body, but was not this the case with the Anti-Tory Society?—Was it not the case with the Franchise Society?—The name proved it. The members of the Riband Societies had not the manliness to come forward as the Orange Societies had done, and lay open all matters connected with them. The Orange Society was a most loyal institution, and they had ever exerted themselves to prevent the separation of England and Ireland. He deprecated the course pursued by the Minister at the close of the Session. As an officer of the army, he was not anxious that military Orange Lodges should be continued; but at the same time he wished that all other Societies should be suppressed in the army. Fifty years ago there was hardly a regiment in the service in which there was not an Orange Society. The hon. Member alluded to the existence of such Societies in regiments in distant colonies; but they had all ceased to exist in regiments at home as soon as it became known that they were objectionable. It was said that an Orange Lodge existed in the 35th regiment: but they had the best evidence to prove that the statement was erroneous. If the hon. Member for Middlesex had laid the Report on the Table without making any observations, he (Colonel Perceval) should not have troubled the House.

Mr. *Aglionby* admitted that the discussion was premature; but rose to observe, that every Member of the Committee was prepared to sanction the language used by the hon. Member for Middlesex. He thought the House and the country were deeply indebted to his hon. Friend for the manner in which he had conducted the inquiry before the Committee.

The Report to be printed.

Patents—Lords' Amendment.] Mr. Tooke moved "That the House do not insist on the Amendment made in the Patents Bill by the House, and which had been objected to by the other House."

Mr. Warburton opposed the Motion.

The House divided; Ayes 23; Noes 21; Majority 2.

List of the Noes.

Aglionby, H. A.
Baldwin, Dr.
Blamire, W.
Brabazon, Sir W.
Bowring, Dr.
Brocklehurst, J.
Callaghan, D.
Codrington, Sir E.
Hindley, C.
Hughes, H.
Hume, J.
Marshall, W.
Morrison, J.
O'Connell, M. J.
Strutt, E.
Scholefield, J.
Thornely, T.
Wakley, T.
Wallace, R.
Williams, W.
Wilks, J.

TELLERS.
Ewart, W.
Warbnrton, H.

HOUSE OF LORDS,

Tuesday, September 8, 1835.

Minutes.] Petitions presented. By the Duke of Wellington, from the Freemen and other Inhabitants of Great Yarmouth, in favour of the Amendments to the Corporations' Bill.

Irish Clergy—Tithe Instalment.] Viscount Melbourne moved the third reading of the Tithe Instalment (Ireland) Bill.

Lord *Wharncliffe* said, that a more niggardly measure than the present it was impossible to conceive—none more niggardly had ever been presented to their Lordships' House. Their Lordships should recollect the circumstances under which this loan was made. The Government at first did levy the tithes; but then, on account of the expense and trouble in the collection of them. the Government issued an order which had the effect of suspending that levy of the tithes. But for that order the tithes might have been collected. The Bill went on the supposition that this loan would at some time or other be repaid. It never could be repaid; noble Lords must be aware that it never could; and the sooner the House of Commons and the people made up their minds to it the better. It would be hard to call on the Irish Clergy for payment. They had a right to recover their tithes, and the law gave them a right to protection and assistance in doing so. By means of agitation and violence, they had been deprived of the power of collecting their tithes, and they asked the Government to assist them with the means of enforcing their legal rights. There was no use, that he knew of, in a Government, except to enforce the law, and protect the rights of all classes of people under it. The Government was bound, at all risks, to vindicate the law. He believed that, in fact, the cost of levying the tithes had amounted to about 28,000*l.*: and that, at that expense, about 12,000*l.* had been collected. To collect money at such a cost, did at first appear an absurd proceeding; but the money alone was not the whole matter—it was the vindication of the law. The demand upon the clergy for re-payment, under the circumstances he had stated, would be unjust. He could not conclude what he meant to state without expressing his strong feelings as to the unfortunate resolution to which the House of Commons had pledged itself. By that resolution the House of Commons stood pledged never to agree to any measure for the settlement of the Tithe Question, which did not involve in it the principle of the appropriation of the surplus. The Ministers, too, before getting into office, and afterwards, had wrongly concurred in that resolution. Why it was clear that there never would be a surplus; that was as clear as day. It was said that there were parishes in Ireland where there were no Protestants. If that was so, instead of talking about appropriating the surplus revenues, the statesmanlike way of viewing the question would be, to recommend a measure by which the revenues arising from parishes where there were no Protestants, might be applied to the better payment of Ministers who had large congregations, and received but an insufficient stipend. He must repeat, that the present was a very niggardly measure.

Viscount *Melbourne* said, that the noble Lord spoke of this measure as one of a niggardly character, and insisted that the money advanced to the clergy ought to be considered as a grant. The observations of the noble Lord applied as much to the original Bill under which the grant was made, as to the Bill now before the House; for the noble Lord said, that in consequence of what was then done the means of re-payment had been taken away, and that the money ought not to have been lent, but should have been at once granted. But how was the Bill carried through Parliament at the time? It was repeatedly stated that this would be, not a loan, but a grant; that it was a gift to the clergy—that it was a charge on the people of England which would never be repaid. But that statement was distinctly denied, and it was distinctly stated that it was intended to insist on the recovery of this money. It was upon that distinct understanding that the House of Commons passed the Bill, and concurred in making the proposed loan. As to giving up the demand for the repayment, he could only say that he had been perfectly ready to do this, if he could have made it part of a system of a permanent settlement—part of a measure calculated to form the foundation of a lasting religious peace in Ireland. But to that proposal their Lordships had refused to agree. Did the noble Lord think that it would have been just in them, when such a measure had been refused, to convert the loan into a grant? Would it have been just to do so, without considering the peculiar circumstances of every clergyman, whether he was, in fact, able to pay or not. Could they have justified such a proceeding consistently with their duty as Ministers of the Crown? The noble Lord said, that it was quite impossible that the money could be repaid. That might be so in some cases, but not in all. They knew that the payment of 100,000*l.* a-year of tithes had been undertaken by landlords, and under these circumstances he thought that the Government ought to be invested with a discretion as to where the repayment should or should not be enforced. The noble Lord called the measure niggardly. It appeared, on the contrary, to him just and reasonable, and such as was demanded from Ministers, by a consideration of a due discharge of their duty. The noble Lord had entered into the general question of tithes in Ireland, and condemned the conduct of Ministers with reference to the resolution of the Commons both before and after they were in office. He could not in any respect agree with the noble Lord in his views on that subject. He thought that the two parts of the tithe measure had been reasonably, wisely and prudently connected by the House of Commons, and that, if their Lordships had agreed to the reasonable proposal made to them by the House of Commons, there would not only have been the hope but the means of a safe and satisfactory settlement. He agreed that the Tithe Question was now in an unsatisfactory state, and it was much to be lamented that it was so, but he could not consider that Ministers were responsible for this state of things.

Lord *Ellenborough* said, that to enforce payment from the present tenants would be very unjust, for they were not the tenants who were in possession when the money was advanced. The measures which had been lately adopted by the Government, had taken away from the landlords all hope of recovering the money, if they should first pay it for their tenants, and therefore it would be hard to come upon them. He could not but consider the Ministers as responsible for the Resolution to which they had acceded. That Resolution was one of a most unfortunate kind, whether he looked at it as one to which there was no hope that this House would ever accede, or in any other view. The noble Viscount, when he undertook the Government, must have known that this House never would accede to that Resolution. But that Resolution was the more lamentable, as it had created a fatal obstacle to that union of public men, which was essential to the good conduct of the public service. While this Resolution existed, there never could be a Government which could conduct the affairs of the country usefully, beneficially, or firmly between the two Houses of Parliament. He repeated, that there was no hope of this House ever agreeing to the Resolution. He spoke as a public man when he said, that there was not merely a political objection, but a strong religious feeling opposed to this Resolution, which would never let their Lordships or the Protestants of Ireland consent to what they deemed a measure of a sacrilegious character. It could not be expected, that that House and the other could unite when such a Resolution prevented that union of public men which, their Lordships knew, was essential to the public service.

The Marquess of *Westmeath* said, that the clergy and Church of Ireland were in a very unsettled and unsatisfactory state, and he attributed it all to the Resolution referred to by the noble Lord.

The Marquess of *Lansdowne* said, that as to the topic introduced by the noble Lord opposite, that the landlords would not pay because the means of recovering the tithes would be taken away from them, he must observe that no general rule of any kind could be laid down in this case, for he knew of the existence of a class of cases totally distinct from the rest, and fully justifying the course now pursued. No man knew more than he did, how desirable it was to avoid, if possible, all obstacles in the way of an union of public men, where that union could be effected without any sacrifice of principles; but he must say, that his colleagues and himself had felt, in common with the whole country, a strong repugnance to provide for the Irish clergy at the expense of the people of England. He regretted to hear that there was no hope whatever that this House would ever agree to the Resolution of the Commons, especially if it was meant to be said, that under no possible circumstances could any concurrence with it be expected.

The Earl of *Roden* said, the clergy of Ireland had not come forward to seek for anything except that which was their own undoubted right. They were placed in the melancholy, deplorable, and wretched situation in which they now stood, by means of the Government itself, which had not asserted the rights and dues of the clergy, and vindicated the insulted law, as they ought to have done. There was not an individual in Ireland who did not know that, at one period, the Question of Tithes might have been easily settled, but this was prevented by the declaration of Ministers in the other House, that tithes should be forthwith extinguished. At that time, the south of Ireland would have been ready in a fortnight or three weeks, to pay the tithes that were due; but the declaration of Ministers put an end to that state of things. All that was then wanted was, that the Government would prove that they were really in earnest—that they were determined to enforce the law. If they had done so, the Legislature would not have been placed in their present unnatural situation; but the noble Viscount informed them, that Government were ready to give up this loan, if their Lordships would have acceded to the Irish Church Bill. But neither the clergy of Ireland, nor himself, nor those who took the same view of the subject that he did, would ever consent to receive such a bribe, as an inducement which should lead them to desert their duty. They would never, in consequence of any such remittance, allow the alienation of that property which was intended for the support of the Protestant faith, to the propagation of another and a very different faith. He never would consent to the alienation of one farthing of that money which belonged to the Established Church, for the purpose of inculcating religious doctrines against which he protested. He had sworn at that Table, that he believed those doctrines to be erroneous; and as a consistent man, he never would lend himself to any measure which would assist in their propagation.

The Bill was read a third time.

HOUSE OF LORDS,

Wednesday, September 9, 1835.

MINUTES.] Bills. Received the Royal Assent:—the Glass Duties; the Stamp and Assessed Taxes; the Militia Staff Reduction; the Municipal Corporations; the Tonnage Admeasurement; the Slave Trade (Sardinia); the Slave Trade (Denmark); the Weights and Measures; the Charities' Commissioners; the Poor-Law Act Amendment; the Cruelty to Animals; the Lectures' Publication; the Recovery of Tithes; the Tithe of Turnips; the Oaths' Abolition; the Land Revenue (Scotland); the Reform of Parliament Act Amendment (Scotland); the Savings' Bank; the Forgeries (Scotland); the Imprisonment for Debt (Scotland); the Excise Incorporation (Scotland); the Tithes' Instalment (Ireland); the Sheriffs' (Ireland); the Shannon Navigation; the North-American Colonial Association (Ireland); and the Islington Market.

HOUSE OF COMMONS,

Wednesday, September 9, 1835.

MINUTES.] Petitions presented. By Sir SAMUEL WHALLEY, from St. Pancras Parish, against Church Rates; and by Dr. BOWRING, from the Magistrates and Town Council of Dunfermline, in favour of a thorough Municipal Reform.

HOUSE OF LORDS,

Thursday, September 10, 1835.

MINUTES.] Petitions presented. By the Earl of RODEN, from the Inhabitants of Rimpton, Somerset against the Separation of the Churches of England and Ireland; and from the Corporation of Tailors (Dublin); and from Drogheda, against the Irish Municipal Corporations' Bill.

PROROGATION OF PARLIAMENT.] The Usher of the Black Rod having summoned the Commons, the Speaker, attended by about thirty Members, came to the Bar.

The SPEAKER then addressed his Majesty as follows: "May it please your Majesty—We, your Majesty's faithful Commons, attend you at the close of a Session unusually protracted, and of no ordinary interest. Your Majesty, at the opening of the Session, was generously pleased to declare, that the estimates which you had directed to be laid before the Commons were less in amount, than any on any former occasion within recent experience. The same character still belongs to the estimates as voted by the Commons, thus evincing a general and sincere desire to advance in steady and progressive reductions of expense, so far as may be consistent with the efficiency of the several services for which provision must be made.

"Arrangements consequent upon that generous and noble act, the Abolition of Slavery, have rendered it necessary to effect a loan of fifteen millions for the paymen of the compensation to be awarded to the owners of slaves; and it is consolatory and gratifying to find, that this loan has been effected under such circumstances, and on such terms, as to afford the most satisfactory proofs of the stability of the public credit of the empire.

"Unhappily, Sire, the condition of Ireland has not been such as to render it expedient to leave the people of that portion of the empire the unrestricted benefits of a free constitution. An Act has been passed by which provision has been made for the prompt trial of the guilty in cases of the disturbance of the public peace, and authority is given to resort to strong measures, in cases where there is cause to apprehend infractions of the law or disturbances of the public peace. A measure thus uniting efficient precautions with the vigorous enforcement of the law, may reasonably be expected to prove sufficient for the purpose, and to command general respect, because its provisions show consideration for those against whom it is directed, and because it has been conceived in a constitutional temper and just spirit.

"The means of improving the Municipal Corporations of England and Wales, and of establishing an effective system of local police, have occupied much of our time, and have been considered with unwearied care and attention. How we could most successfully adapt institutions framed in far different times to the increased intelligence, wealth, and numbers of the people—introduce popular election, and retain popular control, and obtain for the public service the persons best qualified to be useful to the public, provide for the impartial administration of justice, for the maintenance of order, and the enforcement of economy, were among the questions which it was necessary to weigh and consider; and we have zealously and honestly directed our efforts to promote and secure the attainment of these great objects.

"Your Majesty's faithful Commons will be amply repaid for their long and laborious exertions, if their deliberations have contributed to give real content to the people, renewed vigour and permanent stability to these important and valuable institutions.

"I now, Sire, on the part of the Commons, present the last Bill of Supply, entitled 'An Act to apply certain Monies as Ways and Means, and to appropriate the same for the service of the year 1835—to which, with all humility, we pray your Majesty's royal assent."

The Royal Assent was accordingly immediately given to the Bill, together with the Capital Punishments' Abolition, the Fines and Recoveries Offices, the Letters Patent, and the Irish Piers Bills.

His Majesty was then pleased to make the following most gracious Speech:—

"*My Lords and Gentlemen,*

"I find with great satisfaction that the state of the public business enables me to relieve you from further attendance, and from the pressure of those duties which you have performed with so much zeal and assiduity.

"I receive from all Foreign Powers satisfactory assurances of their desire to maintain with me the most friendly understanding, and I look forward with confidence to the preservation of the general peace, which has been, and will be, the object of my constant solicitude.

"I lament that the civil contest in the Northern Provinces of Spain has not yet been brought to a termination; but, taking a deep interest in the welfare of the Spanish monarchy, I shall continue to direct to that quarter my most anxious attention, in concert with the three Powers with whom I concluded the treaty of quadruple alliance; and I have, in furtherance of the objects of that treaty, exercised the power vested in me by the Legislature, and have granted permission to my subjects to engage in the service of the Queen of Spain.

"I have concluded with Denmark, Sardinia, and Sweden, fresh conventions, calculated to prevent the traffic in African slaves; I hope soon to receive the ratification of a similar treaty which has been signed with Spain.

"I am engaged in negotiations with other Powers in Europe and in South America for the same purpose, and I trust that ere long the united efforts of all civilized nations will suppress and extinguish this traffic.

"I perceive with entire approbation that you have directed your attention to the regulation of Municipal Corporations in England and Wales, and I have cheerfully given my assent to the Bill which you have passed for that purpose. I cordially concur in this important measure, which is calculated to allay discontent, to promote Peace and Union, and to procure for those communities the advantages of responsible government.

"I greatly rejoice that the internal condition of Ireland has been such as to have permitted you to substitute for the necessary severity of a law which has been suffered to expire, enactments of a milder character. No part of my duty is more grateful to my feelings than the mitigation of a penal statute in any case in which it can be effected consistently with the maintenance of order and tranquillity.

"*Gentlemen of the House of Commons,*

"I thank you for the readiness with which you have voted the supplies.

"You have provided not only for the expenses of the year, and for the interest upon the large sum awarded to the owners of slaves in my colonial possessions, but also for several unexpected and peculiar claims upon the justice and liberality of the nation.

"It is most gratifying to observe that not only have these demands been met without additional taxation, but that you have made some further progress in reducing the burdens of my people.

"I am enabled to congratulate you that the terms upon which the loan for the compensation to the proprietors of slaves has been obtained afford conclusive evidence of the flourishing state of public credit, and of that general confidence which is the result of a determination to fulfil the national engagements and to maintain inviolable the public faith.

"*My Lords and Gentlemen,*

"I know that I may securely rely upon your loyalty and patriotism, and I feel confident that in returning to your respective counties, and in resuming those functions which you discharge with so much advantage to the community, you will recommend to all classes of your countrymen obedience to the law, attachment to the constitution, and a spirit of temperate amendment, which, under Divine Providence, are the surest means of preserving the tranquillity and increasing the prosperity which this country enjoys."

The *Lord Speaker* (Lord Denman), by His Majesty's command, said—

"*My Lords and Gentlemen,*

"It is His Majesty's Royal will and pleasure, that this Parliament be prorogued to Tuesday, the 10th day of November next, to be then here holden: and this Parliament is accordingly prorogued to Tuesday, the 10th day of November next."

The Parliament was subsequently prorogued still further to the 4th of February, and was then ordered to meet for the despatch of business.

HOUSE OF COMMONS,

Thursday, September 10, 1835.

MINUTES.] Petitions presented. By Mr. SHAW, from Malahide and Clonmel, against the Irish Church Bill.—By Mr. BLAMIRE, from Landholders and Farmers of five Districts in Cumberland, for the Abolition of the Malt Duty.—By Mr. GEORGE F. YOUNG, from W. Tindal, Chairman of the Shipowners' Society, against any Alteration in the Timber Duties.—By Mr. BLACKBURNE, from J. E. Hubbarty, Recorder of Lancaster, complaining of Statements in the Report of the Corporation Commissioners respecting him.—By Mr. WAKLEY, from Bradford and Chichester, for the Remission of the Punishment on the Dorchester Labourers; and from the Cartwright Club, for the Ballot and Annual Parliaments.—By Lord SANDON, from Liverpool, in favour of the Lords' Amendments to the Corporations' Bill.—By Mr. OTWAY CAVE, from St. Georges's, Hanover Square, for the Repeal of the Window Tax; and by the CHANCELLOR OF THE EXCHEQUER, from certain Jews, for the Removal of Disabilities.

GENERAL DARLING.] Dr. *Bowring* presented a Petition from Patrick Thompson, the soldier on whom General Darling had inflicted a severe punishment, and respecting whose case, as well as the cases of others, that House had instituted an inquiry. The petitioner stated, that having been summoned from Ireland to attend the Committee, he arrived here on yesterday week at half-past eight o'clock in the morning, but that on coming down to the House he found that the Committee had made its Report without going into his case, or examining evidence to prove the cruelty with which he had been treated. He stated, that if he had been heard by the Committee, or by the House, he should have been able to prove that the treatment he had received had been most cruel and oppressive. He entreated the House to give him an opportunity to prove his case. As a member of the Committee he must say that the abrupt and extraordinarily precipitate manner in which it closed its investigation was calculated to beget any thing but confidence in its Report. The Committee came down to the House with a Report, the conclusion of which he would venture to say was in the teeth of the understanding which several members of the Committee supposed they had come to, and which had induced some of them, he among the number, to go away. That understanding was, that the Report would be closed with a resolution which had been drawn up by the hon. Member for Cardiff, and which was to the effect, that the late period of the Session did not allow the Committee to go into the other charges. When, however, the Committee met next morning they concluded their Report with a far different resolution—namely, that no evidence had been tendered in support of the other charges. In spite of the wishes and desires of a majority of the Committee, they had sat with closed doors. The public were hermetically excluded from all knowledge of their proceedings. A single member of the Committee, exercising his undoubted privilege, a privilege fraught with much mischief, had closed their doors. The consequence was, that the public did not know what was going on in the Committee Room. The Committee resolved that no evidence was tendered in support of the other cases. Had not the closing of their doors a tendency to produce that effect? He had been informed since by several individuals that they were in the neighbourhood at the time, and were willing and anxious to give evidence as to the facts before the Committee. They were however totally ignorant of what was going on in the Committee. Now, knowing these facts, knowing that it was the intention of the Committee in the first instance to put a different conclusion to their Report—knowing that many members had gone away under that impression, he must say that the altering of the concluding resolution to one that no evidence had been tendered in the other cases was a rather extraordinary proceeding. The Committee, he had said already, sat with closed doors. Now he hoped that the period was not far distant when no tribunal appointed for the investigation of criminal charges would be suffered to shut its doors upon the public. He deeply regretted that he had not followed the example of one hon. Member of the Committee, who had stated at the outset, that unless its proceedings were public, he would have nothing to do with it.

Lord *Dudley Stuart* did not think that any evidence could be brought forward to prove that General Darling had acted improperly in this case and that of Sudds, because, to establish such a fact, it would be necessary to show that General Darling was aware of the illness of those men at the time he ordered them to be put in irons. Now, the evidence given before the Committee went to prove, that General Darling was not aware of the illness of these men at the time. He did not think that Thompson could produce anything to rebut that evidence. He could certainly produce evidence to show what he had suffered, a the nature of the irons in which he had been put. Those irons had been before the Committee, and they did not appear to them cruelly heavy, or such as would inflict torture. As a member of the Committee, perhaps he would be allowed to say a few words with regard to that unfortunate officer Captain Robison. He thought it would be impossible to have heard that gentleman give his evidence in support of his case without feeling the deepest compassion for him. He believed that such feelings were entertained by every member of the Committee, and that they all agreed with him (Lord Dudley Stuart) in the opinion that the conduct of Captain Robison before them was exceedingly fair and candid. Under these circumstances, he trusted that his Majesty's Government would take the first opportunity to give some employment to this unfortunate officer. He believed, indeed, that the Secretary for the Colonial Department had intimated his intention to do so at the first opportunity. Captain Robison had served many years, and he was now reduced to complete ruin. With regard to what had fallen from his hon. Friend as to the resolution that no further evidence had been tendered to the Committee, he would only say that when the gentleman who had undertaken the case was called in, he stated that he had no further evidence to offer. The Committee, therefore, were justified in coming to that resolution. As to the closing of their doors, no member of the Committee was more opposed to that proceeding than he was.

Mr. *Wakley*, as a member of the Committee, begged to state a fact to the House. On the last day that the Committee met, the report, acquitting General Darling of the charges investigated by the Committee, was read and agreed to. It was afterwards put by the Chairman and carried. After that, several members, and he (Mr. Wakley) amongst the rest, went away, and in their absence the last resolution was added to the Report.

Mr. *Shaw* begged to call the hon. Member to order. He thought it very inconvenient and improper to be going into the discussion of such facts in the absence of the majority of the members of the Committtee.

Mr. *Freshfield*, as a member of the Committee, would state that the Committee, with only three dissentient voices, had agreed to the Report acquitting General Darling. Then came the question, what was the Committee to report as to the other cases? Surely it could not be expected that they would wait for those Gentlemen who had gone away to attend to other business. It was necessary to decide that question, as the Chairman declared that he would not dissolve the Committee until the whole subject was disposed of. The Gentleman in charge of the case stated, that he had no more evidence to produce. Under these circumstances, the Committee were fully justified in coming to the resolution they had adopted. It was rather hard that at this period of the Session, an attempt should be made to create an impression that the acquittal of General Darling had not been full and complete. The hon. and learned Member for Dublin, to his honour, had stated in the Committee, that as they could not affix guilt on General Darling, they were bound to give him a full and complete acquittal. Though this petitioner might be disappointed at not being able to fix guilt on General Darling, he was sure that no one amongst the public would participate in that feeling.

Mr. *Aglionby* said, that the question, as it appeared to him was, whether the Report of the Committee had not been informal. It appeared that the Question was put and carried, that the Report be agreed to, which Report gave General Darling the benefit of a full acquittal, as far as the investigation of the Committee had gone. It was stated, that after that several of the Members of the Committee went away, under the impression that nothing further would would be done; yet subsequently the remaining Members of the Committee came to the resolution complained of. That was, as he took it, the objection to that part of the Report of the Committee, and it appeared to him a fair one. With regard to Captain Robison, he knew nothing of him out of that House, but he was bound to say of him, that his evidence before the Committee was characterized by fairness, candour and honesty.

Petition to lie on the Table.

PROROGATION OF PARLIAMENT.] The Yeoman Usher of the Black Rod announced that his Majesty commanded the attendance of the House in the House of Peers.

The Speaker, followed by the Members, repaired to the House of Lords. In about a quarter of an hour the Speaker returned, and informed the House, that his Majesty had been pleased to make a most gracious Speech, which he would read, which having done, the Members retired.

GENERAL INDEX.

APPENDIX.

FINANCE ACCOUNTS,

Class I *to* VIII,

Of the UNITED KINGDOM of GREAT BRITAIN and IRELAND,
For the Year ended 5th January, 1835.

CLASS.
I. - - - Public Income.
II. - - - Public Expenditure.
III. - - - Consolidated Fund.
IV. - - - Funded Debt.
V. - - - Unfunded Debt.
VI. - - - Disposition of Grants.
VII. - - - Arrears and Balances.
VIII. - - - Trade and Navigation.

An Account of the ORDINARY REVENUES and EXTRAORDINARY RESOURCES, consti-
IRELAND; for the Year

N.B.—This Account is formed by adding the Totals of the Account for Great

HEADS OF REVENUE.	GROSS RECEIPT.			Repayments, Allowances, Discounts, Drawbacks, and Bounties in the Nature of Drawbacks, &c.			NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.		
Ordinary Revenues.	£.	s.	d.	£.	s.	d.	£.	s.	d.
CUSTOMS	21,118,920	6	5¾	1,010,217	5	3	20,108,703	1	2¾
EXCISE	16,756,716	10	8½	778,960	7	4½	15,977,756	3	4
STAMPS (including Hackney Coach, and Hawkers and Pedlars' Licenses)	7,462,755	4	7	299,571	11	8½	7,163,183	12	10½
TAXES, under the Management of the Commissioners of Stamps and Taxes	4,667,349	13	7¼	5,005	2	6½	4,662,344	11	0¾
POST OFFICE	2,319,980	12	–¼	110,541	14	11¾	2,209,438	17	0½
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions	13,719	5	8	-	-	-	13,719	5	8
Crown Lands	354,980	13	4¼	-	-	-	354,980	13	4¼
Small Branches of the King's Hereditary Revenue	34,746	7	3¾	-	-	-	34,746	7	3¾
Surplus Fees of Regulated Public Offices	20,080	2	4	-	-	-	20,080	2	4
Poundage Fees, Pells' Fees, Casualties, and Treasury Fees in Ireland	3,998	1	11	-	-	-	3,998	1	11
TOTALS of Ordinary Revenues	52,753,246	17	11¾	2,204,296	1	10¼	50,548,950	16	1½
Extraordinary Resources.									
Money received from the East-India Company, on account of Retired Pay, Pensions, &c. of his Majesty's Forces serving in the East Indies, per Act 4 Geo. 4, c. 71	60,000	0	0	-	-	-	60,000	0	0
Imprest Monies, repaid by sundry Public Accountants, and other Monies paid to the Public	18,912	11	11	-	-	-	18,912	11	11
Money received from the Bank of England on account of Unclaimed Dividends	5,680	7	6	-	-	-	5,680	7	6
TOTALS of the Public Income of the United Kingdom	52,837,839	17	4¾	2,204,296	1	10¼	50,633,543	15	6½

tuting the PUBLIC INCOME of the UNITED KINGDOM of Great Britain and ended 5th January, 1835.

Britain to the Totals of the Account for Ireland—for which Accounts see *infra*.

TOTAL INCOME, including BALANCES.			TOTAL PAYMENTS out of the Income, in its Progress to the Exchequer.			PAYMENTS into the EXCHEQUER.			BALANCES and BILLS outstanding on 5th January, 1835.			TOTAL DISCHARGE of the INCOME.			Rate per cent for which the Gross Receipt was collected.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
20,562,484	1	10	1,614,187	7	0	18,402,528	18	7	545,767	16	3	20,562,484	1	10	6	6	9½
16,637,701	17	6¼	1,213,410	5	1	14,892,023	7	7½	532,268	4	9¾	16,637,701	17	6¼	6	9	1¾
7,439,684	14	11½	181,181	15	5½	7,016,726	13	3½	241,776	6	2½	7,439,684	14	11½	2	8	6½
4,889,838	11	8	261,518	8	3¾	4,550,613	10	8½	77,706	12	7¾	4,889,838	11	8	5	2	8¼
2,380,829	3	9½	712,624	7	2½	1,490,400	0	0	177,804	16	7	2,380,829	3	9½	30	0	4
14,766	6	9	237	6	3¼	14,438	2	3¾	90	18	2	14,766	6	9	1	14	6½
471,863	9	8½	337,815	13	0½	-	-	-	134,047	16	8	471,863	9	8½	12	6	10¾
34,894	15	10¾	440	1	11	34,454	13	11¾	-	-	-	34,894	15	10¾		—	
20,080	2	4	-	-	-	20,080	2	4	-	-	-	20,080	2	4		—	
3,998	1	11	-	-	-	3,998	1	11	-	-	-	3,998	1	11		—	
52,456,141	6	4½	4,321,415	4	3½	46,425,263	10	9	1,709,462	11	4	52,456,141	6	4½	6	15	9¾
60,000	0	0	-	-	-	60,000	0	0	-	-	-	60,000	0	0		—	
18,912	11	11	-	-	-	18,912	11	11	-	-	-	18,912	11	11		—	
5,680	7	6	-	-	-	5,680	7	6	-	-	-	5,680	7	6		—	
52,540,734	5	9½	4,321,415	4	3½	46,509,856	10	2	1,709,462	11	4	52,540,734	5	9½		—	

An Account of the ORDINARY REVENUES and EXTRAORDINARY RE-
the Year ended

HEADS OF REVENUE.	GROSS RECEIPT.			Repayments, Allowances, Discounts, Drawbacks, and Bounties in the Nature of Drawbacks, &c.			NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.		
Ordinary Revenues.	£.	s.	d.	£.	s.	d.	£.	s.	d.
CUSTOMS	19,363,552	3	3¾	998,886	2	0	18,364,666	1	3¾
EXCISE	14,781,384	17	9½	771,217	1	7½	14,010,167	16	2
STAMPS (including Hackney Coach, and Hawkers' Licenses)	6,992,469	11	4	288,012	4	11¼	6,704,457	6	4¾
TAXES, under the Management of the Commissioners of Stamps and Taxes	4,667,349	13	7¼	5,005	2	6½	4,662,344	11	0¾
POST OFFICE	2,079,508	18	4¾	83,443	16	10¾	1,994,065	1	6
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions	13,719	5	8	-	-	-	13,719	5	8
Crown Lands	354,980	13	4¼	-	-	-	354,980	13	4¼
Small Branches of the King's Hereditary Revenue	34,746	7	3¾	-	-	-	34,746	7	3¾
Surplus Fees of Regulated Public Offices	20,080	2	4	-	-	-	20,080	2	4
TOTALS of Ordinary Revenues	48,307,791	13	1¼	2,148,564	8	0	46,159,227	5	1¼
Extraordinary Resources.									
Money received from the East-India Company on account of Retired Pay, Pensions, &c. of his Majesty's Forces serving in the East Indies, per Act 4 Geo. 4, c. 71	60,000	0	0	-	-	-	60,000	0	0
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public	10,926	19	6	-	-	-	10,926	19	6
Money received from the Bank of England, on account of Unclaimed Dividends	5,680	7	6	-	-	-	5,680	7	6
TOTALS of the Public Income of Great Britain	48,384,399	0	1¼	2,148,564	8	0	46,235,834	12	1¼

SOURCES, constituting the PUBLIC INCOME of GREAT BRITAIN, for 5th January, 1835.

TOTAL INCOME, including BALANCES.			TOTAL PAYMENTS out of the Income, in its Progress to the Exchequer.			PAYMENTS into the EXCHEQUER.			BALANCES and BILLS outstanding on 5th January, 1835.			TOTAL DISCHARGE of the INCOME.			Rate per cent. for which the Gross Receipt was collected.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
18,760,136	0	2¼	1,355,215	9	2¾	16,936,695	5	9	468,225	5	2½	18,760,136	0	2¼	5	13	0¾
14,633,277	16	11	967,616	8	3¾	13,166,054	9	11½	499,606	18	7¾	14,633,277	16	11	6	1	5¼
6,965,566	14	3½	155,972	5	9	6,582,234	12	2½	227,359	16	4	6,965,566	14	3½	2	4	7¼
4,889,838	11	8	261,518	8	3¾	4,550,613	10	8½	77,706	12	7¾	4,889,838	11	8	5	2	8¼
2,121,818	17	9¾	627,747	15	8½	1,361,000	0	0	133,071	2	1¼	2,121,818	17	9¾	29	8	1½
14,766	6	9	237	6	3¼	14,438	2	3¾	90	18	2	14,766	6	9	1	14	6½
471,863	9	8½	337,815	13	0½	-	-	-	134,047	16	8	471,863	9	8½	12	6	10¾
34,894	15	10¾	440	1	11	34,454	13	11¾	-	-	-	34,894	15	10¾		—	
20,080	2	4	-	-	-	20,080	2	4	-	-	-	20,080	2	4		—	
47,912,242	15	6¾	3,706,563	8	6½	42,665,570	17	3	1,540,108	9	9¼	47,912,242	15	6¾	6	6	0¼
60,000	0	0	-	-	-	60,000	0	0	-	-	-	60,000	0	0		—	
10,926	19	6	-	-	-	10,926	19	6	-	-	-	10,926	19	6		—	
5,680	7	6	-	-	-	5,680	7	6	-	-	-	5,680	7	6		—	
47,988,850	2	6¾	3,706,563	8	6½	42,742,178	4	3	1,540,108	9	9¼	47,988,850	2	6¾		—	

An Account of the ORDINARY REVENUES and EXTRAORDINARY
for the Year ended

HEADS OF REVENUE.	GROSS RECEIPT.			Repayments, Drawbacks, Discounts, &c.			NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.		
Ordinary Revenues.	£.	s.	d.	£.	s.	d.	£.	s.	d.
CUSTOMS	1,755,368	3	2	11,331	3	3	1,744,036	19	11
EXCISE	1,975,331	12	11	7,743	5	9	1,967,588	7	2
STAMPS	470,285	13	3	11,559	6	9¼	458,726	6	5¾
POST OFFICE	240,471	13	7½	25,097	18	1	215,373	15	6½
Poundage Fees, Pells' Fees, Casualties, and Treasury Fees	3,998	1	11	-	-	-	3,998	1	11
TOTALS of Ordinary Revenues	4,445,455	4	10½	55,731	13	10¼	4,389,723	11	0¼
Other Resources.									
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public	7,985	12	5	-	-	-	7,985	12	5
TOTALS of the Public Income of Ireland	4,453,440	17	3½	55,731	13	10¼	4,397,709	3	5¼

RESOURCES, constituting the PUBLIC INCOME of IRELAND, 5th January, 1835.

TOTAL INCOME, including BALANCES.			TOTAL PAYMENTS out of the Income, in its Progress to the Exchequer			PAYMENTS into the EXCHEQUER.			BALANCES and BILLS outstanding on 5th January, 1835.			TOTAL DISCHARGE of the INCOME.			Rate per cent for which the Gross Receipt was collected.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1,802,348	1	7¾	258,971	17	9¼	1,465,833	12	10	77,542	11	0½	1,802,348	1	7¾	13	18	3½
2,004,424	0	7¼	245,793	16	9¼	1,725,968	17	8	32,661	6	2	2,004,424	0	7¼	9	6	8½
474,118	0	8	25,209	9	8½	434,492	1	1	14,416	9	10½	474,118	0	8	5	7	2½
259,010	5	11¾	84,876	11	6	129,400	0	0	44,733	14	5¾	259,010	5	11¾	35	5	11
3,998	1	11	-	-	-	3,998	1	11	-	-	-	3,998	1	11		—	
4,543,898	10	9¾	614,851	15	9	3,759,692	13	6	169,354	1	6¾	4,543,898	10	9¾	12	2	4½
7,985	12	5	-	-	-	7,985	12	5	-	-	-	7,985	12	5		—	
4,551,884	3	2¾	614,851	15	9	3,767,678	5	11	169,354	1	6¾	4,551,884	3	2¾		—	

An Account of the TOTAL INCOME of the REVENUE of GREAT BRITAIN and Allowances, Discounts, Drawbacks, and Bounties of the nature of Drawbacks; Kingdom, exclusive of the Sums applied to the Re-

HEADS OF REVENUE.	NETT RECEIPT as stated in Account of Public Income.			—		
Ordinary Revenues.	£.	s.	d.	£.	s.	d.
Balances and Bills outstanding on 5th January, 1834	-	-	-	1,907,190	10	3
Customs	20,108,703	1	2¾			
Excise	15,977,756	3	4			
Stamps (including Hackney Coach, and Hawkers' and Pedlars' Licenses)	7,163,183	12	10½			
Taxes, under the Management of the Commissioners of Taxes	4,662,344	11	0¾			
Post Office	2,209,438	17	0½			
One Shilling in the Pound and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions	13,719	5	8			
Crown Lands	354,980	13	4¼			
Small Branches of the King's Hereditary Revenue	34,746	7	3¾			
Surplus Fees of Regulated Public Offices	20,080	2	4			
Poundage Fees, Pells' Fees, Casualties, and Treasury Fees in Ireland	3,998	1	11			
				50,548,950	16	1½
				52,456,141	6	4½
Deduct Balances and Bills outstanding on 5th January, 1835				1,709,462	11	4
TOTAL Ordinary Revenue				50,746,678	15	0½
Other Resources.	£.	s.	d.			
Money received from the East-India Company, on account of Retired Pay, Pensions, &c. of his Majesty's Forces serving in the East Indies, per Act 4 Geo. 4, c. 71	60,000	0	0			
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public	18,912	11	11			
Money received from the Bank of England on account of Unclaimed Dividends	5,680	7	6			
				84,592	19	5
				50,831,271	14	5½
Balances in the hands of Receivers, &c. on 5th January, 1834				1,907,190	10	3
Ditto on 5th January, 1835				1,709,462	11	4
Balances less in 1835 than in 1834				197,727	18	11
Surplus Income paid into the Exchequer over Expenditure issued thereout				1,608,155	12	4½
Actual Excess of Income over Expenditure				1,410,427	13	5½

Ireland, in the Year ended 5th January, 1835, after deducting the Repayments, together with an Account of the PUBLIC EXPENDITURE of the United duction of the National Debt within the same Period.

EXPENDITURE.	—			—		
PAYMENTS OUT OF THE INCOME in its progress to the Exchequer:	*£.*	*s.*	*d.*	*£.*	*s.*	*d.*
Charges of Collection	3,582,635	4	4¼			
Other Payments	738,779	19	11¼			
Total Payments out of the Income, in its progress to the Exchequer				4,321,415	4	3½
FUNDED DEBT:						
Interest and Management of the Permanent Debt	24,158,879	3	11½			
Terminable Annuities	3,653,922	12	5¾			
Total Charge of the Funded Debt, exclusive of *£*.6,276 6*s.* 6*d.* the Interest on Donations and Bequests	27,812,801	16	5¼			
UNFUNDED DEBT:						
Interest on Exchequer Bills	691,294	2	8	28,504,095	19	1¼
Civil List	510,000	0	0			
Pensions	502,309	17	5			
Salaries and Allowances	177,780	6	11½			
Diplomatic Salaries and Pensions	181,448	0	10½			
Courts of Justice	433,609	17	8			
Miscellaneous Charges on the Consolidated Fund	465,004	13	9	2,270,152	16	8
				35,095,664	0	0
Army	6,493,925	4	3½			
Navy	4,503,908	13	1			
Ordnance	1,068,223	0	0			
Miscellaneous, chargeable upon the Annual Grants of Parliament	2,061,395	4	8½	14,127,452	2	1
				49,223,116	2	1
Surplus of Income paid into the Exchequer over Expenditure issued thereout				1,608,155	12	4½
				50,831,271	14	5½

An Account of the Nett PUBLIC INCOME of the United Kingdom of GREAT
EXPENDITURE thereout, defrayed by the several Revenue Departments,
Sums applied to the Redemption of Funded, or for paying off Un-

INCOME.	Applicable to the Consolidated Fund.			Applicable to the Public Service.			Income paid into the Exchequer.		
ORDINARY REVENUES AND RECEIPTS.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	15,393,128	18	7	3,009,400	0	0	18,402,528	18	7
Excise	14,892,023	7	8¼	-	-	-	14,892,023	7	8¼
Stamps	7,016,726	13	3	-	-	-	7,016,726	13	3
Taxes	4,550,613	10	8½	-	-	-	4,550,613	10	8½
Post Office	1,490,400	0	0	-	-	-	1,490,400	0	0
One Shilling and Sixpence, and Four Shillings on Pensions and Salaries	14,438	2	3¾	-	-	-	14,438	2	3¾
Small Branches of the King's Hereditary Revenues	34,454	13	11¾	-	-	-	34,454	13	11¾
Surplus Fees of regulated Public Offices	20,080	2	4	-	-	-	20,080	2	4
Poundage Fees, Pells' Fees, &c. in Ireland	3,998	1	11½	-	-	-	3,998	1	11½
TOTAL Ordinary Revenue	43,415,863	10	9¾	3,009,400	0	0	46,425,263	10	9¾
OTHER RECEIPTS.									
Imprest and other Monies	18,554	8	10	358	3	1	18,912	11	11
Monies received from the East-India Company	-	-	-	60,000	0	0	60,000	0	0
Money received from the Bank of England, on account of Unclaimed Dividends	-	-	-	5,680	7	6	5,680	7	6
	43,434,417	19	7¾	3,075,438	10	7	46,509,856	10	2¾

BRITAIN and IRELAND, in the Year ended 5th January, 1835, after abating the and of the Actual Issues or Payments within the same Period, exclusive of the funded Debt, and of the Advances and Repayments for Local Works, &c.

EXPENDITURE.				Nett Expenditure.		
FUNDED DEBT.	£.	s.	d.	£.	s.	d.
Interest and Management of the Permanent Debt	24,158,879	3	11½			
Terminable Annuities	3,653,922	12	5¾			
Total Charge of the Funded Debt, exclusive of 6,276*l.* 6*s.* 6*d.* the Interest on Donations and Bequests	27,812,801	16	5¼			
UNFUNDED DEBT.						
Interest on Exchequer Bills	691,294	2	8	28,504,095	19	1¼
Civil List	510,000	0	0			
Pensions	502,309	17	5			
Salaries and Allowances	177,780	6	11½			
Diplomatic Salaries and Pensions	181,448	0	10½			
Courts of Justice	433,609	17	8			
Miscellaneous Charges on the Consolidated Fund	465,004	13	9	2,270,152	16	8
				30,774,248	15	9¼
Army	6,493,925	4	3½			
Navy	4,503,908	13	1			
Ordnance	1,068,223	0	0			
Miscellaneous, chargeable upon Annual Grants of Parliament	2,061,395	4	8½	14,127,452	2	1
				44,901,700	17	10¼
Surplus of Income over Expenditure				1,608,155	12	4½
				46,509,856	10	2¾

An Account of the BALANCES of PUBLIC MONEY remaining in the EXCHEQUER
or UNFUNDED DEBT, in the Year ended 5th January, 1835; the Money ap-
the Total Amount of Advances and Repayments on account
and the Balances in the Ex-

	£.	s.	d.	£.	s.	d.
Balances in the Exchequer on 5th January, 1834				4,943,399	1	2
MONEY RAISED						
In the Year ended 5th January, 1835, by the creation of Unfunded Debt:						
Exchequer Bills, per Act 4 Will. 4, c. 3	14,000,000	0	0			
Ditto - - - 4 & 5 Will. 4, c. 58.	13,825,200	0	0			
For Public Works, &c. per Act 1 & 2 Will. 4, c. 24	166,600	0	0			
Ditto in Ireland - - - - - - - c. 33	73,950	0	0			
For Relief to Sufferers in the West India Islands, per Act 2 & 3 Will. 4, c. 125	454,900	0	0			
For Relief of Owners of Tithes in Ireland, per Act 3 & 4 Will. 4, c. 100	800,000	0	0			
				29,320,650	0	0
Surplus of Income over Expenditure				1,608,155	12	4½
				35,872,204	13	6½

on the 5th January, 1834; the amount of Money raised by the Additions to the FUNDED
plied towards the Redemption of the Funded, or paying off Unfunded Debt;
of Local Works, &c. with the Difference accruing thereon;
chequer on 5th January, 1835.

ISSUED TO

The Commissioners for the Reduction of the National Debt,
to be applied to the Redemption of Funded Debt:

	£.	s.	d.	£.	s.	d.
By Issues per Act 10 Geo. 4, c. 27	1,770,102	2	6½			
By Interest on Donations and Bequests	6,276	6	6	1,776,378	9	0½
Paymasters of Exchequer Bills for the Payment of Unfunded Debt				27,832,050	0	0
The Total Amount of Advances for Local Works and other purposes, under the authority of various Acts of Parliament, within the the Year	2,014,513	0	9¾			
Ditto - - - Repayments of ditto - - ditto	618,731	9	10¾			
Excess of Advances over Repayments				1,395,781	10	11
Balance in the Exchequer on 5th January, 1835				4,867,994	13	7
				35,872,204	13	6½

An Account of the Income of the CONSOLIDATED FUND arising in the United on account of the Consolidated

	£.	s.	d.
The Total Income applicable to the Consolidated Fund	43,434,417	19	7¾
Add the Sum repaid to the Consolidated Fund on account of Advances for Public Works, &c.	357,923	11	9¾
	43,792,341	11	5½

An Account of the Money applicable to the Payment of the CONSOLIDATED several Charges which have become due thereon, in the same year Fund, at the commencement and

	£.	s.	d.	£.	s.	d.
Income arising in Great Britain				39,713,666	7	1½
Income arising in Ireland	4,078,675	4	4			
Add the Sum paid out of the Consolidated Fund in Ireland, towards the Supplies, in the Quarter ended 5th January 1834	341,554	0	1½			
	4,420,229	4	5½			
Deduct the Sum paid out of the Consolidated Fund in Ireland, towards the Supplies, in the Quarter ended 5th January, 1835	465,441	10	5			
				3,954,787	14	0½
Total Sum applicable to the Charge of the Consolidated Fund, in the Year ended 5th January, 1835				43,668,454	1	2
Exchequer Bills to be issued to complete the Payment of the Charge, to 5th day of January, 1835				5,304,807	19	10
				48,973,262	1	0

Kingdom, in the Year ended 5th January, 1835; and also of the Actual Payments FUND within the same period.

HEADS OF PAYMENT.	£.	s.	d.
Dividends, Interest, Sinking Fund, and Management of the Public Funded Debt, 4 Quarters to 10th October, 1834	29,589,180	5	5¾
Interest upon Exchequer Bills issued upon the Credit of the Consolidated Fund	54,876	12	2
Civil List, 4 Quarters to 31st December 1834	510,000	0	0
Pensions charged by Act of Parliament upon the Consolidated Fund, 4 Quarters to 10th October, 1834	502,309	17	5
Salaries and Allowances - - - - - do. - - - -	177,780	6	11½
Officers of the Courts of Justice - - - - do. - - - -	433,609	17	8
Diplomatic Salaries and Pensions - - - - do. - - - -	181,448	0	10½
Miscellaneous - - - - - - - do. - - - -	465,004	13	9
Advances out of the Consolidated Fund in Ireland, for Public Works	519,063	0	9¾
	32,433,272	15	1½
SURPLUS of the CONSOLIDATED FUND	11,359,068	16	4
	43,792,341	11	5½

FUND of the United Kingdom, in the Year ended 5th January, 1835, and of the including the Amount of EXCHEQUER BILLS charged upon the said at the termination of the Year.

HEADS OF CHARGE.	£.	s.	d.
Dividends, Interest, Sinking Fund, and Management of the Public Funded Debt, 4 Quarters to 5th January, 1835	29,802,817	1	1¼
Interest on Exchequer Bills issued upon the credit of the Consolidated Fund	53,949	10	1
Civil List, 4 Quarters to 31st December 1834	510,000	0	0
Pensions charged by Act of Parliament upon the Consolidated Fund, 4 Quarters to 5th January, 1835	510,086	6	8¾
Salaries and Allowances - - - - - do. - - - -	171,854	6	3
Officers of Courts of Justice - - - - - do. - - - -	424,303	9	3
Diplomatic Salaries and Pensions - - - - do. - - - -	198,082	0	0
Miscellaneous - - - - - - - do. - - - -	384,965	5	10
Advances out of the Consolidated Fund in Ireland, for Public Works	519,063	0	9¾
	32,575,121	0	0¾
Exchequer Bills issued to make good the charge of the Consolidated Fund, to 5th January, 1834	4,846,149	3	4¾
	37,421,270	3	5½
SURPLUS of the CONSOLIDATED FUND	11,551,991	17	6½
	48,973,262	1	0

An Account of the State of the PUBLIC FUNDED DEBT of GREAT BRI-

DEBT.

——	1. CAPITALS.			2. CAPITALS transferred to the Commissioners.			3. CAPITALS UNREDEEMED.		
GREAT BRITAIN.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Debt due to the South Sea Company - - } at £3. per cent	3,662,784	8	6½	-	-	-	3,662,784	8	6½
Old South Sea Annuities - do.	3,497,870	2	7	-	-	-	3,497,870	2	7
New South Sea Annuities - do.	2,460,830	2	10	-	-	-	2,460,830	2	10
South Sea Annuities, 1751 - do.	523,100	0	0	-	-	-	523,100	0	0
Debt due to the Bank of England do.	11,015,100	0	0	-	-	-	11,015,100	0	0
Bank Annuities, created in 1726 do.	849,144	0	0	1,171	1	9	847,972	18	3
Consolidated Annuities - - do.	347,074,590	1	4¼	765,502	17	1	346,309,087	4	3¼
Reduced Annuities - - - do.	123,504,319	14	4	866,283	2	7	122,638,036	11	9
TOTAL at £.3 per cent	492,587,738	9	7¾	1,632,957	1	5	490,954,781	8	2¾
Annuities - - at 3½ per cent, 1818...	11,246,057	12	1	1,321	4	7	11,244,736	7	6
Reduced Annuities - - do.	61,932,513	6	5	9,049	19	9	61,923,463	6	8
New 3½ per cent Annuities	147,184,281	0	10	7,888	2	3	147,176,392	18	7
New 5 per cent Annuities	440,890	13	4	-	-	-	440,890	13	4
Great Britain	713,391,481	2	3¾	1,651,216	8	0	711,740,264	14	3¾
In IRELAND.									
Irish Consolidated £.3 per cent Annuities	2,341,250	13	7	-	-	-	2,341,250	13	7
Irish Reduced - - - do.	140,683	2	8	-	-	-	140,683	2	8
£.3½ per cent Debentures and Stock ...	14,147,338	4	11	-	-	-	14,147,338	4	11
Reduced £.3½ per cent Annuities.........	1,117,931	3	9	-	-	-	1,117,931	3	9
New 3½ per cent Annuities..................	11,550,401	11	11	-	-	-	11,550,401	11	11
Debt due to the Bank of Ireland at £.4 per cent	1,615,384	12	4	-	-	-	1,615,384	12	4
New £.5 per cent Annuities.........	6,661	1	0	-	-	-	6,661	1	0
Debt due to the Bank of Ireland at £.5 per cent	1,015,384	12	4	-	-	-	1,015,384	12	4
Ireland	31,935,035	2	6	-	-	-	31,935,035	2	6
TOTAL United Kingdom ...	745,326,516	4	9¾	1,651,216	8	0	743,675,299	16	9¾

The Act 10 Geo. 4, c. 27, which came into operation at the 5th July, 1829, enacts, That the Sum thenceforth annually applicable to the Reduction of the National Debt of the United Kingdom shall be the Sum which shall appear to be the amount of the whole actual annual surplus Revenue, beyond the Expenditure of the said United Kingdom; and the following Sums have been accordingly received by the Commissioners, to be applied to the reduction of the said Debt, including Sums on account of Donations and Bequests, viz.:—

ON ACCOUNT OF

——	The Sinking Fund.			Donations and Bequests.		
Applicable between	£.	s.	d.	£.	s.	d.
5th April and 5th July, 1834................................	378,270	17	10	3	6	7
5th July and 10th October, 1834	488,090	7	5	3,195	3	6
10th October, 1834, and 5th January, 1835.....................	544,257	8	8	1,003	9	5
5th January and 5th April, 1835	334,437	3	0	3,225	8	8
	1,745,055	16	11	7,427	8	2

TAIN and IRELAND, and the CHARGE thereupon, at the 5th January, 1835.

CHARGE.

—			IN GREAT BRITAIN.			IN IRELAND.			TOTAL ANNUAL CHARGE.		
			£.	s.	d.	£.	s.	d.	£.	s.	d.
Due to the Public Creditor.		Annual Interest on Unredeemed Capital	22,462,748	14	4	1,128,724	3	4			
		Long Annuities, expire 1860	1,192,499	2	4	73	19	3			
		Annuities per 4 Geo. IV. c. 22, do. 1867	585,740	0	0	—					
		Annuities per 10 Geo IV. c. 24, and 3 Will. IV. c. 14, expire at various periods	1,273,153	7	0	—					
		Annuities to the Trustees of the Waterloo Subscription Fund per 59 Geo. III. c. 34, expire 5th July, 1835	4,000	0	0	—					
	Payable at the National Debt Office.	Life Annuities per 48 Geo. III. c. 142, and 10 Geo. IV. c. 24, and 3 Will. IV. c. 14	911,496	14	0	—					
		Tontines and other Life Annuities per various Acts. English	20,760	4	7½	—					
		Irish	34,230	8	7	6,823	7	3			
			26,484,628	10	10½	1,135,621	9	10			
Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax under Schedules C, D 1 & D 2, per 53 Geo. III, c. 123			12,029	15	1¼	—					
Management			151,174	19	6¾	—					
TOTAL ANNUAL CHARGE			26,647,833	5	6½	1,135,621	9	10	27,783,454	15	4½

ABSTRACT.

(⁂ *Shillings and Pence omitted.*)

—	CAPITALS.	CAPITALS transferred to the Commissioners.	CAPITALS unredeemed.	ANNUAL CHARGE.		
				Due to the Public Creditor.	MANAGEMENT.	TOTAL.
	£.	£.	£.	£.	£.	£.
Great Britain	713,391,481	1,651,216	711,740,264	26,484,628	151,174	26,647,833
Ireland	31,935,035	—	31,935,035	1,147,651	—	1,135,621
	745,326,516	* 1,651,216	743,675,299	27,632,279	151,174	27,783,454

	£.	s.	d.
* On account of Donations and Bequests	216,371	10	9
Do. of Stock unclaimed 10 years or upwards	254,253	0	0
Do. of Unclaimed Dividends.	779,600	0	0
	1,250,224	10	9
Do. of Land Tax, Schedules C. D 1; and D 2	400,991	17	3
Total Stock transferred to and standing in the Names of the Commissioners on the 5th January 1835	1,651,216	8	0

DEFERRED ANNUITIES OUTSTANDING:

		£.	s.	d.
Deferred Life Annuities, per 10 Geo. 4, c. 24, and 3 Will. IV. c. 14.		3,826	14	0
Deferred Annuities for terms of years, per do.		20	0	0
Payable to the Trustees of the Waterloo Fund, per 59 Geo. 3, c. 34	— 1836	9,000	0	0
	— 1837	2,900	0	0
		15,746	14	0

CLASS V.—UNFUNDED DEBT.

An Account of the UNFUNDED DEBT of GREAT BRITAIN and IRELAND, and of the Demands outstanding on 5th January, 1835.

—	PROVIDED.			UNPROVIDED.			TOTAL.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Exchequer Bills (exclusive of £.32,501 1s. 4d. issued for paying off £.4 per cents)	-	-	-	28,521,550	0	0	28,521,550	0	0
Sums remaining unpaid, charged upon Aids granted by Parliament	6,445,604	5	10¼	-	-	-	6,445,604	5	10¼
Advances made out of the Consolidated Fund in Ireland, towards the Supplies which are to be repaid to the Consolidated Fund out of the Ways and Means in Great Britain	465,441	10	5	-	-	-	465,441	10	5
TOTAL Unfunded Debt and Demands Outstanding	6,911,045	16	3¼	28,521,550	0	0	35,432,595	16	3¼
Ways and Means	7,301,026	8	10½	—			—		
SURPLUS Ways and Means	389,980	12	7¼	—			—		
Exchequer Bills to be issued to complete the Charge upon the Consolidated Fund, at 5th January 1835	-	-	-	5,304,807	19	10	5,304,807	19	10

CLASS VI.—DISPOSITION OF GRANTS.

An Account showing how the Monies given for the SERVICE of the United Kingdom of Great Britain and Ireland for the Year 1834, have been disposed of; distinguished under their several Heads; to 5th January 1835.

SERVICES.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
Navy	4,578,009	0	0	3,130,000	0	0
Ordnance	1,166,914	0	0	417,000	0	0
Forces	6,497,902	17	10	3,384,752	19	0
To defray the Charge of those Salaries of the Officers of the House of Lords and of the House of Commons, and of Pensions for retired Officers of the two Houses which are paid at the Treasury, and also of the Amount which will be required in aid of the Fee Funds of the two Houses; for the year 1834.	44,500	0	0	43,443	3	8
To defray the expense of the House of Lords and of the House of Commons; in the year 1834	25,000	0	0	25,000	0	0
To make good the Deficiency of the Fee Fund, in the Department of His Majesty's Treasury; to the 31st day of March, 1835	41,000	0	0	33,485	0	0
To make good the deficiency of the Fee Fund, in the Office of His Majesty's Secretary of State for the Home Department; for the same time	10,598	0	0	9,500	0	0
To make good the Deficiency of the Fee Fund, in the Department of His Majesty's Secretary of State for Foreign Affairs; for the same time	13,337	0	0	13,337	0	0
To make good the deficiency of the Fee Fund, in the Department of His Majesty's Secretary of State for the Colonies; for the same time	9,737	0	0	7,500	0	0
To make good the Deficiency of the Fee Fund ,in the Department of His Majesty's most Honourable Privy Council and Committee of Privy Council for Trade; for the same time ...	18,658	0	0	9,346	7	5
To defray the Salary of the Lord Privy Seal; for the same time	2,000	0	0	1,391	6	0
To defray the Expenses of Messengers attending the first Lord of the Treasury and Chancellor of the Exchequer, the four Patent Messengers of the Court of Exchequer, and various ancient Allowances to the Officers of that Court	3,700	0	0	1,356	0	8
To make good the Deficiency of the Fees in the Office for the Registrar of Colonial Slaves in Great Britain, for half a year, ending on the 30th day of September 1834	580	0	0	96	6	0
To defray the Charge, to the 31st day of March 1835, of the Salaries and other Expenses of the State Paper Office, the Office for the Custody of Records in the Chapter-House, Westminster	4,366	0	0	2,025	12	10
To defray the Expenses of the Commission for Inquiring into the Practice and Proceedings of the Superior Courts of Common Law; to the Termination of the Commission	800	0	0	800	0	0
To defray the Expense of Printing Acts of Parliament and Bills Reports and other Papers, for the Two Houses of Parliament; to the 31st day of March 1835	56,000	0	0	42,781	1	5
To defray the expense of the Mint in the Coinage of Gold; to the same time	10,000	0	0	5,000	0	0
To defray the Expense of the Prosecution of Offences against the Laws relating to Coin; to the same time	8,000	0	0	8,000	0	0
To defray the Expense of Law Charges; to the same time ..	11,000	0	0	—		
To defray the Charge of Civil Contingencies; to the same time...	130,000	0	0	117,814	11	8
To enable His Majesty to grant a Gratuity to the Officers, Seamen and Royal Marines of His Majesty's Fleet who were present at the Battle of Navarin, on the 20th day of October, 1827; to be distributed in such manner as His Majesty in Council shall direct	60,000	0	0	60,000	0	0

SERVICES—*continued.*	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
The following SERVICES are directed to be paid without any Fee or other Deductions whatsoever:						
For defraying the CHARGE of the CIVIL ESTABLISHMENTS undermentioned; viz:						
Of the Bahama Islands; to the 31st day of March 1835 ...	1,940	0	0	700	0	0
Of the Bermuda Islands; for the same time	4,249	13	4	4,249	13	4
Of Prince Edward's Island; to the same time	3,120	0	0	1,200	0	0
On the Western Coast of Africa; to the same time	12,861	13	6	—		
To defray the Expense of the Ecclesiastical Establishment of the British North American Provinces; to the same time	14,870	18	6	8,000	0	0
To defray the Expense of the Settlement in Western Australia; to the same time	5,806	5	0	—		
To defray the Expense of the Establishment of the Indian Department in Upper and Lower Canada; to the same time	20,000	0	0	—		
To defray the Estimated Expenditure of the British Museum; for the year ending at Christmas 1834	17,017	0	0	17,017	0	0
To pay the Allowances and Expenses of the Barristers employed in revising Lists of Voters, under the Act for amending the Representation of the People in England and Wales	22,500	0	0	22,500	0	0
For the Purchase of Pictures for the National Gallery; during the year 1834	11,550	0	0	11,550	0	0
To defray, to the 31st day of March 1835, the Expenses of Works and Repairs of Public Buildings, and for Furniture and other Charges of Public Offices and Departments, for certain Charges for Lighting and Watching, and for the Maintenance and Repairs of Royal Palaces and Works in the Royal Gardens; heretofore charged on the Civil List	42,721	0	0	—		
To defray the Expense of Works and Repairs at the Harbour of Kingstown; to the 31st day of March 1835	10,000	0	0	3,000	0	0
To complete the Works at Donaghadee Harbour...	3,742	0	0	3,742	0	0
To defray the Expenses of the Holyhead and Liverpool Roads, and Holyhead and Howth Harbours, for one year, from the 5th day of April 1834	3,922	0	0	3,922	0	0
To defray the Charge of the New Buildings at the British Museum; to the 31st day of March, 1835	8,000	0	0	—		
To defray the Expense of Works and alterations at Windsor Castle; to the same time...	37,000	0	0	10,000	0	0
To defray, to the 31st day of March 1835, the Expense of erecting a National Gallery	13,000	0	0	6,500	0	0
To defray, to the 31st day of March 1835, the Charge of the Repair and Restoration of Westminster Hall	17,000	0	0	3,500	0	0
To defray, in the year 1834, the Expense of erecting Revenue Buildings at Bristol	6,700	0	0	—		
To defray the Contingent Expenses and Messengers' Bills in the Department of His Majesty's Treasury; to the 31st day of March 1835	7,500	0	0	6,682	0	0
To defray the Contingent Expenses and Messengers' Bills in the Office of His Majesty's Secretary of State for the Home Department; to the same time	5,695	0	0	3,750	0	0
To defray the Contingent Expenses and Messengers' Bills in the Department of His Majesty's Secretary of State for Foreign Affairs; to the 31st day of March, 1835	39,000	0	0	21,000	0	0
To defray the Contingent Expenses and Messengers' Bills in the Department of His Majesty's Secretary of State for the Colonies; to the same time	7,100	0	0	5,500	0	0
To defray the Contingent Expenses and Messengers' Bills in the Department of His Majesty's Most Honourable Privy Council and Committee of Privy Council for Trade; to the same time	2,232	0	0	—		
To defray the Charge of the Salaries and allowances to certain Professors in the Universities of Oxford and Cambridge; to the same time	2,006	0	0	2,006	0	0
To pay the Salaries of the Commissioners of the Insolvent Debtors' Court, and of their Clerks, the Contingent Expenses of the Court and Office, and also the Expenses attendant upon their Circuits; to the same time	12,300	0	0	5,933	1	2

SERVICES—*continued.*	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
To pay the Salaries of the Officers and the Contingent Expenses of the Office for the Registration of Aliens; to the same time	1,568	0	0	1,000	0	0
To defray the Charge of the Penitentiary at Millbank; to the same time	15,563	0	0	8,128	0	0
To pay, to the 31st day of March 1835, the Salaries and Incidental Expenses of the Commissioners appointed on the part of His Majesty, under the Treaties with Foreign Powers for Preventing the Illegal Traffic in Slaves	16,200	0	0	4,000	0	0
To defray the Charge of the Salaries of the Inspectors and Superintendants of the Factories, under the Act to Regulate the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom; to the 31st day of March 1835	5,709	0	0	5,709	0	0
To defray the Charge of Retired Allowances or Superannuations to Persons formerly employed in the Public Offices or Departments, or in the Public Service; to the same time	58,858	0	0	38,658	18	2
To enable His Majesty to grant Relief, to the 31st day of March 1835, to Toulonese and Corsican Emigrants, Dutch Naval Officers, St. Domingo Sufferers, and American Loyalists and others who have heretofore received Allowances from His Majesty, and who for Services performed or Losses sustained in the British Service, have Special Claims on His Majesty's Justice and Liberality	12,230	0	0	6,040	0	0
To defray the Expense of the National Vaccine Establishment; for the year 1834	1,823	0	0	—		
For the Support of the Institution called "The Refuge for the Destitute;" for the year 1834	3,000	0	0	3,000	0	0
To defray the Charge of confining and maintaining Criminal Lunatics; to the 31st day of March, 1835	3,137	5	2	1,493	1	9
To defray, to the 31st day of March 1835, the usual Allowances to Protestant Dissenting Ministers in England, poor French Refugee Laity, poor French Refugee Clergy, and sundry other small Charitable and other Allowances to the Poor of St. Martin's-in-the-Fields, and others	4,990	0	0	2,567	17	0
To defray the Charge of His Majesty's Foreign and other Secret Services; to the 31st day of March 1835	37,600	0	0	24,500	0	0
To defray the Expense of providing Stationery, Printing and Binding for the several Public Departments in England, Ireland, Scotland and the Colonies; to the 31st day of March 1835; and for providing Paper for the Printing which may be ordered in the Session 1835, for the Two Houses of Parliament	131,918	0	0	50,000	0	0
To defray, to the 31st day of March 1835, the Charge of confining, maintaining and employing Convicts at Home and in Bermuda, and in providing Clothing for the Convicts who may probably be transported to New South Wales and Van Diemen's Land	73,662	0	0	36,000	0	0
To defray, to the 31st day of March 1835, the Expenses for the Support of Captured Negroes and Liberated Africans, under the Acts for the Abolition of the Slave Trade	20,000	0	0	—		
To defray the Charge of Maintaining Convicts at New South Wales and Van Diemen's Land; to the 31st day of March 1835	130,000	0	0	—		
To defray the Expenses incurred under the Direction and Management of the Commissioners of Records; to the same time	10,000	0	0	10,000	0	0
To defray, in the year 1834, the Expense of Paying Fees due and payable to the Officers of the Parliament, on all Bills for continuing or amending any Acts for making or maintaining, keeping in Repair or improving Turnpike Roads, which shall pass the Two Houses of Parliament and receive the Royal Assent...	5,000	0	0	2,907	12	10
To enable His Majesty to issue Money for the Erection of School-houses, in Aid of Private Subscriptions for that purpose, for the Education of the Children of the Poorer Classes in England; to the 31st day of March 1835	20,000	0	0	—		
On Account of the Rideau Canal, and the Canals on the Ottawa; to the same time	28,000	0	0	—		
To defray the Charges of the Salaries of the Governors, Lieutenant-Governors and others in His Majesty's West India Colonies; to the 31st day of March, 1835.	16,667	0	0	10,000	0	0
To defray, to the 31st day of March, 1835, the Salaries to the						

SERVICES—*continued.*	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
Special Justices appointed by virtue of an Act of the 3rd and 4th years of His present Majesty, for the Abolition of Slavery in the British Colonies	30,000	0	0	30,000	0	0
To pay the Salaries of Seven Agents for Emigration at Ports in the United Kingdom; to the 31st day of March 1835	1,457	15	0	1,457	15	0
To enable His Majesty to make a Grant to Captain Ross	5,000	0	0	5,000	0	0
To pay the Salaries of His Majesty's Consuls-General, Consuls and Vice-Consuls, and also of the Contingent Expenses connected with the Public Duties of such Consuls-General, Consuls, Vice-Consuls and Superintendents of Trade at Canton; to the 31st day of March 1835	95,486	0	0	26,544	14	9
To defray, to the 31st day of March 1835, Law Expenses, Grants to the Scottish Universities, and other Charges in Scotland, formerly defrayed from the Hereditary Revenues, and not provided for on His Majesty's Civil List, nor on the Consolidated Fund	54,800	0	0	5,913	7	8
To enable His Majesty to deposit and place in the British Museum, the Collection of Egyptian Antiquities, now the property of Mr. J. Sams	2,500	0	0	2,500	0	0
To enable His Majesty to issue Money for the Erection of Schoolhouses, in aid of Private Subscriptions for that Purpose, for the Education of the Children of the Poorer Classes in certain great Towns in Scotland, and for the Erection of Model Schools in England; to the 31st day of March 1835	10,000	0	0	—		
To pay to the East India Company the Amount due under the Authority of an Act of the 33rd year of the reign of King George the Third, being the Difference between the Par Value and the Market Value on the 22nd day of April 1834, of the Amount of Consolidated East India Annuities, which stood in the name of the Company on that day	125,284	6	6	125,284	6	6
To defray the Charge of the Civil and Military Establishments of the Island of St. Helena; to the 22nd day of April 1835 ...	99,000	0	0	40,000	0	0
To defray, in the year 1834, the Expenses of the Commissioners appointed to Inquire into the existing State of the Municipal Corporations in Great Britain and Ireland...	24,900	0	0	18,750	0	0
To enable His Majesty to grant Relief to the distressed Poles now in this Country	10,000	0	0	7,804	12	0
To enable His Majesty to make a Grant to the Baptist Missionary Society, and to the Wesleyan Missionary Society, on account of Expenses incurred in the Erection of certain Chapels destroyed in the Island of Jamaica	12,750	0	0	12,750	0	0
To enable His Majesty to direct that Trial may be made of an Experiment to Communicate with India by Steam Navigation	20,000	0	0	—		
For the Purchase of the Collection of Fossil Organic Remains, the Property of Mr. Thomas Hawkins; to be deposited in the British Museum	1,310	5	0	1,310	5	0
To defray the Charge of preparing Prison Buildings at Dartmoor	7,000	0	0	—		
For defraying the CHARGE of the following SERVICES in IRELAND:						
To enable the Lord Lieutenant of Ireland to issue Money for the Advancement of Education in Ireland; to the 31st day of March 1835	20,000	0	0	20,000	0	0
To defray the Expense of the Foundling Hospital in Dublin; to the same time	18,919	0	0	10,000	0	0
To defray the Expense of the House of Industry in Dublin, the Lunatic Department, and the Three General Hospitals attached; to the same time	20,000	0	0	15,000	0	0
To defray the Expense of the Hibernian Marine Society; to the same time	400	0	0	400	0	0
To defray the Expense of the Female Orphan House; to the 31st day of March 1835	1,000	0	0	1,000	0	0
To defray the Expense of the Westmorland Lock Hospital; to the same time	2,500	0	0	2,000	0	0
To defray the Expense of the Lying-in Hospital, Dublin; to the same time	1,200	0	0	600	0	0
To defray the Expense of Dr. Stevens's Hospital; to the same time	1,500	0	0	1,500	0	0

SERVICES—*continued.*				SUMS Voted or Granted.			SUMS Paid.		
				£.	s.	d.	£.	s.	d.
To defray the Expense of the Fever Hospital and House of Recovery, Cork-street, Dublin; to the same time				3,800	0	0	3,800	0	0
To defray the Expense of the Hospital for Incurables, near Dublin; to the same time				500	0	0	500	0	0
To defray the Expense of the Roman Catholic College in Ireland; to the same time				8,978	0	0	4,464	0	0
To defray the Expense of the Royal Dublin Society; to the same time				5,300	0	0	3,000	0	0
To defray the Expense of the Royal Irish Academy; to the same time				300	0	0	300	0	0
To defray the Expense of the Royal Hibernian Academy for Painting and the Fine Arts; to the same time				300	0	0	300	0	0
To defray the Expense of the Royal Belfast Academical Institution; to the same time				3,500	0	0	—		
To enable the Lord Lieutenant of Ireland to issue Money for the Advancement of Education; to the same time				15,000	0	0	—		
On Account of the Expense of Criminal Prosecutions in Ireland, being the Sum required to defray the Charge of Arrears of Expenses incurred beyond the Amount of Grant; to the 31st day of March 1834				78,500	0	0	45,258	9	2
To defray the Expense of the Commissioners of Charitable Donations and Bequests in Ireland; to the 31st day of March 1835				700	0	0	—		
To defray the Expense of repairing and maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland; to the same time				13,000	0	0	—		
To pay the Salaries and Expenses of the Offices of the Chief Secretary to the Lord Lieutenant of Ireland, in Dublin and London, and His Majesty's Privy Council Office in Ireland; also the Amount of His Majesty's Printer's Bill for Printing for the Public Offices in Ireland; to the same time				22,000	0	0	14,223	1	1
To defray the Charge of Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of Ireland, and certain other Officers, and Services formerly charged on the Civil List in Ireland; to the same time				12,232	0	0	8,737	1	3
To defray the Charge of the Offices of the Vice Treasurer and Teller of the Exchequer in Ireland; to the same time ...				6,827	0	0	5,123	9	9
To defray the Expense of publishing Proclamations, &c. in the Dublin Gazette, and Proclamations for Circulation, and for Printing the Statutes; to the 31st day of December 1834 ...				4,100	0	0	599	19	0
To defray the Expense of Non-conforming, Seceding and Protestant Dissenting Ministers in Ireland; to the 31st day of March 1835				25,100	0	0	12,545	18	7
To defray the Charge of Criminal Prosecutions, &c. in Ireland: to the same time				60,000	0	0	40,000	0	0
In aid of the Funds for the maintenance of the Police Departments in Dublin; to the same time				7,000	0	0	7,000	0	0
To defray the Expense of Public Works in Ireland; to the same time				3,565	0	0	2,465	0	0
For the Repairs of Dunmore Harbour; to the same time ...				5,473	0	0	3,000	0	0
To defray the Expense of the Townland Survey of Ireland; to the same time				3,000	0	0	3,000	0	0
To pay the Annual Compensation awarded to Sir Abraham Bradley King, late King's Stationer in Ireland, for losses sustained by him by the Revocation of his Patent				2,500	0	0	2,500	0	0
To defray the Cost of finishing the several portions of Roads in the Counties of Galway and Mayo, as proposed to be completed by the Board of Public Works				13,000	0	0	2,000	0	0
	£.	s.	d.	14,479,542	19	10	8,144,017	13	2
To pay off and discharge Exchequer Bills, and that the same be issued and applied towards paying off and discharging any Exchequer Bills charged on the Aids or Supplies of the years 1833 or 1834, now remaining unpaid and unprovided for ...	27,752,650	0	0						
To pay off and discharge Exchequer Bills issued pursuant to several Acts for carrying on Public Works, Building Additional Churches, and for the Relief of Persons who have sustained Losses in the West Indies, outstanding and unprovided for ...	632,050	0	0	28,384,700	0	0	27,832,050	0	0
				42,864,242	19	10	35,976,067	13	2

PAYMENTS FOR OTHER SERVICES,

Not being part of the Supplies granted for the Service of the Year.

—	Sums Paid to 5th January 1835.			Estimated further Payments.		
	£.	s.	d.	£.	s.	d.
Grosvenor Charles Bedford, Esq. on his Salary, for additional trouble in preparing Exchequer Bills, pursuant to Act 48 Geo. 3, c. 1	100	0	0	Nil.		
Expenses in the Office of the Commissioners for issuing Exchequer Bills, pursuant to Acts 57 Geo. 3, c. 34 and 124, and 3 Geo. 4, c. 86	2,000	0	0	—		
Expenses in the Office of the Commissioners for building additional Churches, pursuant to Act 58 Geo. 3, c. 45 ...	3,000	0	0	—		
By Interest on Exchequer Bills:	636,417	10	6	—		
TOTAL Payments for Services not voted	641,517	10	6			
TOTAL Grants	42,864,242	19	10			
TOTAL Grants and Payments for Services not voted ...	43,505,760	10	4			

WAYS AND MEANS

for answering the foregoing Services:

				£.	s.	d.
Sums to be brought from the Consolidated Fund, per Act 4 Will. 4, c. 12 ...				7,000,000	0	0
- - - - - - Ditto - - - 4 & 5 Will. 4, c. 84				4,250,000	0	0
East India Company, per Act 4 Will. 4, c. 2				60,000	0	0
Duty on Sugar - - - - - - - - - 5				3,000,000	0	0
Repayments by the Commissioners for issuing Exchequer Bills for carrying on Public Works and Fisheries in the United Kingdom				237,000	0	0
Surplus of Ways and Means, per Act 4 & 5 Will. 4, c. 84				562,162	11	3½
Unclaimed Dividends, after deducting Repayments to the Bank of England for deficiency of Balance in their hands				7,952	15	2
				15,117,115	6	5½
Exchequer Bills voted in Ways and Means; viz.						
4 Will. 3, c. 3	£14,000,000	0	0			
4 & 5 Will. 4, c. 58	14,384,700	0	0	28,384,700	0	0
TOTAL Ways and Means				43,501,815	6	5½
TOTAL Grants and Payments for Services not voted				43,505,760	10	4
Deficiency Ways and Means				3,945	3	10½

CLASS VII.—ARREARS AND BALANCES.

It is not considered necessary to print this Class of Accounts.

CLASS VIII.—TRADE OF THE UNITED KINGDOM.

An Account of the VALUE of IMPORTS into, and of EXPORTS from the United Kingdom of GREAT BRITAIN and IRELAND:—Also, the Amount of the Produce and Manufactures of the United Kingdom Exported therefrom, according to the Real or Declared Value thereof.

YEARS ending 5th January.	VALUE OF IMPORTS into the United Kingdom, calculated at the Official Rates of Valuation.			VALUE OF EXPORTS FROM THE UNITED KINGDOM, calculated at the Official Rates of Valuation.									VALUE of the Produce and Manufactures of the United Kingdom Exported therefrom, according to the Real or Declared Value thereof.		
				Produce and Manufactures of the United Kingdom.			Foreign and Colonial Merchandize.			TOTAL EXPORTS.					
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1833....	44,586,241	15	0	65,026,702	11	0	11,044,869	17	0	76,071,572	8	0	36,444,524	18	7
1834....	45,952,551	6	5	69,989,339	13	8	9,833,753	10	2	79,823,093	3	10	39,667,347	8	5
1835....	49,362,811	8	0	73,831,550	15	4	11,562,036	11	3	85,393,587	6	7	41,649,191	9	6

NAVIGATION OF THE UNITED KINGDOM.

NEW VESSELS BUILT.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, that were Built and Registered in the several Ports of the BRITISH EMPIRE, in the Years ending 5th January, 1833, 1834, and 1835, respectively.

—	In the Years ending the 5th January,					
	1833.		1834.		1835.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom..................................	733	90,180	711	89,212	780	100,367
Isles of Guernsey, Jersey, and Man	26	2,735	17	2,959	26	2,343
British Plantations	386	43,397	431	52,476	354	45,411
TOTAL................	1,145	136,312	1,159	144,647	1,160	148,121

Note.—The Account rendered for the Plantations for the year ending 5th January 1834, is now corrected; and as several Returns from the Plantations are not received for the last year, a similar correction will be necessary when the next Account is made up.

VESSELS REGISTERED.—An Account of the Number of VESSELS, with the Amount of their TONNAGE and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of the BRITISH EMPIRE, on the 31st December 1832, 1833, and 1834, respectively.

—	On 31st Dec. 1832.			On 31st Dec. 1833.			On 31st Dec. 1834.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
United Kingdom ...	19,143	2,225,980	134,588	19,158	2,233,855	136,250	19,447	2,274,702	138,265
Isles of Guernsey, Jersey, and Man .	521	35,880	3,844	531	37,446	3,839	528	37,653	3,761
British Plantations..	4,771	356,208	23,202	4,696	363,276	23,911	5,080	403,745	26,035
TOTAL	24,435	2,618,068	161,634	24,385	2,634,577	164,000	25,055	2,715,100	168,061

NAVIGATION OF THE UNITED KINGDOM—*continued.*

VESSELS EMPLOYED IN THE FOREIGN TRADE.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS employed in Navigating the same (including their repeated Voyages), that entered Inwards and cleared Outwards, at the several Ports of the United Kingdom, from and to Foreign Parts, during each of the Three Years ending 5th January, 1835.

Years ending 5th Jan.	SHIPPING ENTERED INWARDS IN THE UNITED KINGDOM From Foreign Parts.								
	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1833	13,372	2,185,980	122,594	4,546	639,979	35,399	17,918	2,825,959	157,993
1834	13,119	2,183,814	120,495	5,505	762,085	41,996	18,624	2,945,899	162,491
1835	13,903	2,298,263	126,727	5,894	833,905	45,897	19,797	3,132,168	172,624

Years ending 5th Jan.	SHIPPING CLEARED OUTWARDS FROM THE UNITED KINGDOM To Foreign Parts.								
	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1833	13,292	2,229,269	128,293	4,391	651,223	34,834	17,683	2,880,492	163,127
1834	13,266	2,244,274	125,474	5,250	758,601	40,014	18,516	3,002,875	165,488
1835	13,639	2,296,325	129,504	5,823	852,827	45,829	19,462	3,149,152	175,333

NAVIGATION OF GREAT BRITAIN.

NEW VESSELS BUILT.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, that were Built and Registered in the several Ports of the BRITISH EMPIRE (except IRELAND), in the Years ending 5th January, 1833, 1834, and 1835, respectively.

—	In the Years ending the 5th January,					
	1833.		1834.		1835.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
England	550	71,216	541	71,480	592	80,551
Scotland	158	17,055	135	15,514	151	17,311
Isle of Guernsey	3	451	1	298	2	167
— Jersey	9	1,465	6	972	6	842
— Man	14	819	10	1,689	18	1,334
British Plantations	386	43,397	431	52,476	354	45,411
TOTAL	1,120	134,403	1,124	142,429	1,123	145,616

Note.—The Account rendered for the Plantations (for the Year ending 5th January, 1834) is now corrected; and as several Returns from the Plantations are not yet received for the last Year, a similar correction will be necessary when the next Account is made up.

NAVIGATION OF GREAT BRITAIN—*continued.*

VESSELS REGISTERED.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of the BRITISH EMPIRE (except IRELAND) on the 31st December, 1832, 1833, and 1834 respectively.

—	On 31st Dec. 1832.			On 31st Dec. 1833.			On 31st Dec. 1834.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
England	14,421	1,807,487	103,749	14,388	1,805,626	104,727	14,620	1,831,074	105,198
Scotland	3,266	310,365	22,611	3,288	317,983	23,135	3,291	324,230	23,336
Isle of Guernsey ...	80	9,158	647	79	9,075	637	77	9,309	650
— Jersey	216	20,250	1,895	228	21,799	1,978	231	21,861	1,975
— Man	225	6,472	1,302	224	6,572	1,224	220	6,483	1,136
British Plantations.	4,771	356,208	23,202	4,696	363,276	23,911	5,080	403,745	26,035
TOTAL	22,979	2,509,940	153,406	22,903	2,524,331	155,612	23,519	2,596,702	158,330

VESSELS EMPLOYED IN THE FOREIGN TRADE.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS employed in Navigating the same, (including their repeated Voyages,) that entered Inwards and cleared Outwards at the several Ports of GREAT BRITAIN, from and to all Parts of the World, during each of the Three Years ending 5th January, 1835:—Also, showing the Number and Tonnage of Shipping entered Inwards and cleared Outwards, during the same Period, exclusive of the Intercourse with Ireland.

SHIPPING ENTERED INWARDS IN GREAT BRITAIN, From all Parts of the World.

Years ending 5th Jan.	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1833	23,295	3,141,272	189,443	4,435	622,328	34,412	27,730	3,763,600	223,855
1834	21,782	3,062,229	185,853	5,369	739,887	40,789	27,151	3,802,116	226,642
1835	23,105	3,246,496	197,322	5,755	811,717	44,705	28,860	4,058,213	242,027

SHIPPING CLEARED OUTWARDS FROM GREAT BRITAIN, To all Parts of the World.

Years ending 5th Jan.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1833	27,407	3,517,409	212,326	4,309	638,345	34,108	31,716	4,155,754	246,434
1834	26,876	3,485,906	207,337	5,158	743,690	39,205	32,034	4,229,596	246,542
1835	27,641	3,618,573	215,259	5,723	836,441	44,948	33,364	4,455,014	260,207

SHIPPING ENTERED INWARDS IN GREAT BRITAIN, From all Parts (except Ireland.)

Years ending 5th Jan.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1833	12,549	2,029,046	114,367	4,435	622,328	34,412	16,984	2,651,374	148,779
1834	12,271	2,015,882	111,940	5,369	739,887	40,789	17,640	2,755,769	152,729
1835	13,079	2,146,107	118,967	5,755	811,717	44,705	18,834	2,957,824	163,672

SHIPPING CLEARED OUTWARDS FROM GREAT BRITAIN, To all Parts (except Ireland.)

Years ending 5th Jan.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1833	12,713	2,099,876	121,739	4,309	638,345	34,108	17,022	2,738,221	155,847
1834	12,649	2,107,350	118,592	5,158	743,690	39,205	17,807	2,851,040	157,797
1835	13,081	2,177,956	123,652	5,723	836,441	44,948	18,804	3,014,397	168,600

NAVIGATION OF IRELAND.

New Vessels Built.—An Account of the Number of Vessels, with the Amount of their Tonnage, that were Built and Registered in the several Ports of Ireland, in the Years ending 5th January, 1833, 1834, and 1835, respectively.

	Vessels.	Tonnage.
Year ending 5th January 1833	25	1,909
— 1834	35	2,218
— 1835	37	2,505

Vessels Registered.—An Account of the Number of Vessels, with the Amount of their Tonnage, and the Number of Men and Boys usually employed in Navigating the same, that belonged to the several Ports of Ireland, on the 31st December, 1832, 1833, 1834, respectively.

	Vessels.	Tonnage.	Men.
On the 31st December 1832	1,456	108,128	8,228
— 1833	1,482	110,246	8,388
— 1834	1,536	119,398	9,731

Vessels employed in the Foreign Trade.—An Account of the Number of Vessels, with the Amount of their Tonnage, and the Number of Men and Boys employed in Navigating the same (including their repeated Voyages), that entered Inwards and cleared Outwards at the several Ports of Ireland, from and to all Parts of the World, during each of the Three Years ending 5th January 1835:—Also, showing the Number and Tonnage of Shipping entered Inwards and cleared Outwards, during the same period, exclusive of the Intercourse with Great Britain.

SHIPPING ENTERED INWARDS IN IRELAND,
From all Parts of the World.

Years ending 5th Jan.	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1833	15,595	1,541,832	91,395	111	17,651	987	15,706	1,559,483	92,382
1834	15,326	1,567,800	92,680	136	22,198	1,207	15,462	1,589,998	93,887
1835	15,691	1,621,410	94,706	139	22,188	1,192	15,830	1,643,598	95,898

SHIPPING CLEARED OUTWARDS FROM IRELAND,
To all Parts of the World.

	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1833	9,953	1,099,874	70,333	82	12,878	726	10,035	1,112,752	71,059
1834	9,887	1,138,732	70,485	92	14,911	809	9,979	1,153,643	71,294
1835	10,354	1,180,135	71,900	100	16,386	881	10,454	1,196,521	72,781

SHIPPING ENTERED INWARDS IN IRELAND,
From all Parts (except Great Britain).

	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1833	823	156,934	8,227	111	17,651	987	934	174,585	9,214
1834	848	167,932	8,555	136	22,198	1,207	984	190,130	9,762
1835	824	152,156	7,760	139	22,188	1,192	963	174,344	8,952

SHIPPING CLEARED OUTWARDS FROM IRELAND,
To all Parts (except Great Britain).

	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1833	579	129,393	6,554	82	12,878	726	661	142,271	7,280
1834	617	136,924	6,882	92	14,911	809	709	151,835	7,691
1835	558	118,369	5,852	100	16,386	881	658	134,755	6,733

(End of Annual Finance Accounts, from 5th Jan. 1834 to 5th Jan. 1835.)

A

TABLE

OF

All the STATUTES passed in the FIRST Session of the TWELFTH Parliament of the United Kingdom of *Great Britain* and *Ireland.*

5° & 6° *GUL.* IV.

PUBLIC GENERAL ACTS.

CAP.

I. AN Act to explain an Act of the First Year of His present Majesty, for the more effectual Administration of Justice in *England* and *Wales*, so far as relates to the Execution of Criminals in the County of *Chester.*

II. An Act to amend an Act of the Thirty-eighth Year of King *George* the Third, for preventing the Mischiefs arising from the printing and publishing Newspapers, and Papers of a like Nature, by Persons not known, and for regulating the Printing and Publication of such Papers in other respects; and to discontinue certain Actions commenced under the Provisions of the said Act.

III. An Act to apply certain Sums to the Service of the Year One thousand eight hundred and thirty-five.

IV. An Act for raising the Sum of Fifteen Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-five,

V. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

VI. An Act to indemnify the Governor-General and other Persons in respect of certain Acts done in the Administration of the Government of the *British* Territories in the *East Indies* subsequent to the Twenty-second Day of *April* One thousand eight hundred and thirty-four, and to make those Acts valid.

VII. An Act for the Regulation of His Majesty's Royal Marine Forces while on Shore.

VIII. An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire suppression of voluntary and extra-judicial Oaths and Affidavits.

IX. An Act to apply a Sum of Eight Millions, out of the Consolidated Fund, to the Service of the Year One thousand eight hundred and thirty-five.

X. An Act to allow, until the Twenty-eighth Day of *July* One thousand eight hundred and thirty-five, the Importation of certain Articles, Duty-free, into the Island of *Dominica*, and to indemnify the Governor and others for having permitted the Importation of such Articles Duty-free.

XI. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-six; to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-six; and to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their Annual Certificates.

XII. An Act for continuing to His Majesty, until the Fifth Day of *July* One thousand eight hundred and thirty-six, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-five.

XIII. An Act to regulate the Importation of Corn into the *Isle of Man.*

XIV. An Act to continue to the Thirty-first Day of *December* One thousand eight hundred and thirty-six, and from thence to the End of the then next Session of Parliament, an Act of the Tenth Year of His late Majesty's Reign, for providing for the Government of His Majesty's Settlements in *Western Australia* on the Western Coast of *New Holland.*

XV. An Act to continue until the Thirty-first Day of *May* One thousand Eight hundred and thirty-eight, and to the End of the then next Session of Parliament, the Allowances of the Duty of Excise on Soap used in certain Manufactures.

XVI. An Act for altering and amending the Law regarding Commitments by Courts of Equity for Contempts, and the taking Bills *pro confesso,* in *Ireland.*

XVII. An Act to extend to *Ireland* certain Provisions of an Act made and passed in the First Year of His present Majesty's Reign, intituled *An Act for consolidating and amending the Laws relating to Property belonging to Infants, Femes Covert, Lunatics, and Persons of unsound Mind.*

XVIII. An Act to exempt Carriages carrying Manure from Toll.

XIX. An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service.

XX. An Act to consolidate certain Offices in the Collection of the Revenues of Stamps and Taxes, and to amend the Laws relating thereto.

XXI. An Act to amend and alter an Act of the Fifty-ninth Year of His late Majesty King *George* the Third, for vesting in Commissioners the Line of Road from *Shrewsbury* in the County of *Salop* to *Bangor Ferry* in the County of *Carnarvon*; and for discharging the Trustees under several Acts of the Seventeenth, Twenty-eighth, Thirty-sixth, Forty-first, Forty-second, Forty-seventh, and Fiftieth Years of His then present Majesty, from the future Repair and Maintenance thereof, and for repealing so much of the said Acts as affects the said Line of Road.

XXII. An Act to continue for Three Years, and from thence to the End of the then next Session of Parliament, Two Acts of the Second and Third Year and the Third and Fourth Year of His present Majesty, relating to the Care and Treatment of Insane Persons in *England.*

XXIII. An Act for the Establishment of Loan Societies in *England* and *Wales*; and to extend the Provisions of the Friendly Societies Acts to the Islands of *Guernsey, Jersey,* and *Man.*

XXIV. An Act for the Encouragement of the voluntary Enlistment of Seamen, and to make Regulations for more effectually manning His Majesty's Navy.

XXV. An Act to extend the Accommodation by the Post to and from Foreign Parts, and for other Purposes relating to the Post Office.

XXVI. An Act for the Appointment of convenient Places for the holding of Assizes in *Ireland.*

XXVII. An Act to continue and amend certain Regulations for the Linen and Hempen Manufactures in *Ireland.*

XXVIII. An Act for removing Doubts as to the Declaration to be made and Oaths to be taken by Persons appointed to the Office of Sheriff of any City or Town being a County of itself.

XXIX. An Act for investing in Government Securities a Portion of the Cash lying unemployed in the Bank of *England* belonging to Bankrupts Estates, and applying the Interest thereon in discharge of the Expenses of the Court of Bankruptcy, and for the Relief of the Suitors in the said Court; and for removing Doubts as to the Extent of the Powers of the Court of Review and of the Subdivision Courts.

XXX. An Act for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries, and Benefices without Cure of Souls, and for Preventing the Lapse thereof, during the pending Inquiries respecting the State of the Established Church in *England* and *Wales.*

XXXI. An Act to give Effect and Validity to certain Contracts and Presentments for repairing and keeping in repair certain Public Roads in *Ireland* and the Sureties entered into for the Execution thereof.

XXXII. An Act to impose certain Duties on Tea.

XXXIII. An Act for preventing the vexatious Removal of Indictments into the Court of King's Bench; and for extending the Provisions of an Act of the Fifth Year of King *William* and *Mary*, for preventing Delays at the Quarter Sessions of the Peace, to other Indictments; and for extending the Provisions of an Act of the Seventh Year of King *George* the Fourth, as to taking Bail in Cases of Felony.

XXXIV. An Act to amend Two clerical Errors contained in an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith.*

XXXV. An Act for consolidating the Offices of Paymaster-General, Paymaster and Treasurer of *Chelsea* Hospital, Treasurer of the Navy, and Treasurer of the Ordnance.

XXXVI. An Act to limit the Time of taking the Poll in Boroughs at contested Elections of Members to serve in Parliament to One Day.

XXXVII. An Act for the further Reduction of the Militia Staff, and to suspend the Ballot for the Militia.

XXXVIII. An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in *England* and *Wales;* and for appointing Inspectors of Prisons in *Great Britain.*

XXXIX. An Act to exempt certain Retailers of Spirits to a small Amount from the additional Duties on Licences; and to discontinue the Excise Survey on Wine, and the Use of Permits for the Removal thereof.

XL. An Act to provide for the better Collection of the Duties on Wood the Produce of Places in *Europe.*

XLI. An Act to amend the Law relating to Securities given for Considerations arising out of gaming, usurious, and certain other illegal Transactions.

XLII. An Act to authorize the granting of Superannuation Allowances to the Commissioners and Officers of the Courts for the Relief of Insolvent Debtors.

XLIII. An Act for enlarging the Powers of Magistrates in the Appointment of Special Constables.

XLIV. An Act for raising the Sum of Thirteen millions five hundred twenty-one thousand five hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-five.

XLV. An Act to carry into further Execution the Provisions of an Act passed in the Third and Fourth Years of His present Majesty, for compensating Owners of Slaves upon the Abolition of Slavery.

XLVI. An Act to amend, until the End of the next Session of Parliament, an Act of the Second Year of His present Majesty, for making Provision for the Dispatch of the Business now done by the Court of Exchequer in *Scotland.*

XLVII. An Act to repeal so much of an Act passed in the Third and Fourth Years of His present Majesty as relates to the Amount of the Salary granted to the Clerk of the Crown in Chancery; and to make other Provisions in relation to the said Office.

XLVIII. An Act for the better Prevention and more speedy Punishment of Offences endangering the Public Peace in *Ireland.*

XLIX. An Act for continuing, until the First Day of *June* One thousand eight hundred and thirty-seven, the several Acts for regulating the Turnpike Roads in *Great Britain* which will expire on the First Day of *June* One thousand eight hundred and thirty-six or with the next Session of Parliament.

L. An Act to consolidate and amend the Laws relating to Highways in that part of *Great Britain* called *England.*

LI. An Act for granting Relief to the Island of *Dominica;* and to amend an Act of the Second and Third Years of His present Majesty, for enabling His Majesty to direct the Issue of Exchequer Bills to a limited Amount for the Purposes therein mentioned.

LII. An Act to authorize the Court of Directors of the *East India* Company to suspend the Execution of the Provisions of the Act of the Third and Fourth *William* the Fourth, Chapter Eighty-five, so far as they relate to the Creation of the Government of *Agra.*

LIII. An Act to repeal an Act of the Ninth Year of His late Majesty for regulating the Carriage of Passengers in Merchant Vessels from the United Kingdom to the *British* Possessions on the Continent and Islands of *North America;* and to make further Provision for regulating the Carriage of Passengers from the United Kingdom.

LIV. An Act to render certain Marriages valid, and to alter the Law with respect to certain voidable Marriages.

LV. An Act for facilitating the appointment of Sheriffs in *Ireland,* and the more effectual Audit and passing of their accounts; and for the more speedy Return and Recovery of Fines, Fees, Forfeitures, Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer in *Ireland;* and to amend the Laws relating to Grants in custodiam and Recovery of Debts in *Ireland;* and to amend an Act of the Second and Third Years of his present Majesty, for transferring the Powers and Duties of the Commissioners of Public Accounts in *Ireland* to the Commissioners for auditing the Public Accounts of *Great Britain.*

LVI. An Act to regulate the Admeasurement of the Tonnage and Burthen of the Merchant Shipping of the United Kingdom.

LVII. An Act to extend to *Scotland* certain Provisions of an Act of the Ninth Year of His late Majesty, to consolidate and amend the Laws relating to Savings Banks; and to consolidate and amend the Laws relating to Savings Banks in *Scotland.*

LVIII. An Act to amend the Acts relating to the Hereditary Land Revenues of the Crown in *Scotland.*

LIX. An Act to consolidate and amend the several Laws relating to the cruel and improper Treatment of Animals, and the Mischiefs arising from the driving of Cattle, and to make other Provisions in regard thereto.

LX. An Act for carrying into effect a Treaty with the King of the *French* and the King of *Sardinia* for suppressing the Slave Trade.

LXI. An Act for carrying into effect a Treaty with the King of the *French* and the King of *Denmark* for suppressing the Slave Trade.

LXII. An Act to repeal an Act of the present Session of Parliament, intituled *An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;* and to make other provisions for the Abolition of unnecessary Oaths.

LXIII. An Act to repeal an Act of the Fourth and Fifth Year of his present Majesty relating to Weights and Measures, and to make other Provisions instead thereof.

LXIV. An Act to alter certain Duties of Stamps and Assessed Taxes, and to regulate the Collection thereof.

LXV. An Act for preventing the Publication of Lectures without consent.

LXVI. An Act to amend the Law relating to the Customs.

LXVII. An Act for the Improvement of the Navigation of the River *Shannon.*

LXVIII. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland;* and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quarter Masters, Surgeons, Assistant Surgeons, Surgeons' Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and thirty-six.

LXIX. An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and of Incorporations or Unions of Parishes in *England* and *Wales.*

LXX. An Act for abolishing, in *Scotland,* Imprisonment for Civil Debts of small Amount.

LXXI. An Act for appointing Commissioners to continue the Inquiries concerning Charities in *England* and *Wales* until the First Day of *March* One thousand eight hundred and thirty-seven.

LXXII. An Act for abolishing the Excise Incorporation in *Scotland,* and for tranferring the Funds of the said Incorporation to the Consolidated Fund, and providing for the Payment of the Annuities to the Widows and Orphans of late and present Members of the Incorporation Fund.

LXXIII. An Act to provide that Persons accused of Forgery in *Scotland* shall not be entitled to Bail unless in certain Cases.

LXXIV. An Act for the more easy Recovery of Tithes.

LXXV. An Act for the Amendment of the Law as to the tithing of Turnips in certain Cases.

LXXVI. An Act to provide for the Regulation of Municipal Corporations in *England* and *Wales*.

LXXVII. An Act to repeal the Duty and Drawback on Flint Glass, to impose other Duties and another Drawback in lieu thereof, and to reduce the Drawback on *German* Sheet Glass exported in Panes; and to repeal the Drawback on unground and unpolished Plate Glass; and to amend the Laws relating to the Duties on Glass.

LXXVIII. An Act to explain and amend an Act passed in the Second and Third Year of the Reign of King *William* the Fourth, for amending the Representation of the People in *Scotland*; and to diminish the Expenses there.

LXXIX. An Act to suspend, until after the Sixth Day of *April* One thousand eight hundred and thirty-six, Proceedings for recovering Payment of certain Instalments of Money advanced under the Acts for establishing Tithe Compositions in *Ireland*.

LXXX. An Act to apply a Sum of Money out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and thirty-five, and to appropriate the Supplies granted in this Session of Parliament.

LXXXI. An Act for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege.

LXXXII. An Act to abolish certain Offices connected with Fines and Recoveries and the Cursitors in the Court of Chancery, and to make Provision for the Abolition of certain Offices in the Superior Courts of Common Law in *England*.

LXXXIII. An Act to amend the Law touching Letters Patent for Inventions.

LXXXIV. An Act to empower Grand Juries in *Ireland* to raise Money by Presentment for the Construction, Enlargement, or Repair of Piers and Quays.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. AN Act for the Improvement of the High Street in the Borough of *Ledbury* in the County of *Hereford*.

ii. An Act for making, maintaining, and repairing a Turnpike Road from the Town of *Belfast* to the Town of *Crumlin* in the County of *Antrim*.

iii. An Act for more effectually repairing the Road from *Carmarthen* to *Newcastle Emlyn*, and several other Roads, and for making and maintaining new Lines of Road, all in the County of *Carmarthen*.

iv. An Act to enable the *University* Life Assurance Society and their Successors to purchase Annuities upon or for Lives, and also to lend Money or Stock upon Mortgage for the purpose of Investment.

v. An Act for better assessing and collecting the Poor and other Rates in the Parish of *Barking* in the County of *Essex*.

vi. An Act for better supplying with Water the Parish of *Ramsgate*, and the Neighbourhood thereof, in the County of *Kent*.

vii. An Act to authorize the Sale to and Purchase by *John* Lord *Rolle* of the Rights of Persons claiming to have divers Rights on such Parts of *Great Torrington* and *Castle Hill Commons* in the County of *Devon* as now form Part of the Cut or Canal called the *Rolle* Canal.

viii. An Act for incorporating the *Warrington* and *Newton* Railway with the Grand Junction Railway, and for extending to the said first-mentioned Railway the Provisions of the several Acts of Parliament relating to the said last-mentioned Railway; and for other Purposes relating thereto.

ix. An Act to enable the Grand Junction Railway Company to alter the Line of such Railway and to make Two Branches therefrom in the County of *Stafford*, and for other Purposes relating thereto.

x. An Act for making a Railway from *Croydon* to join the *London* and *Greenwich* Railway near *London*.

xi. An Act to enlarge the Powers of the *New Pembrey Harbour* Act, to change the Name of the Harbour to that of *Burry Port*, and to enable the *Burry Port* Company to raise a further Sum of Money.

xii. An Act for constructing and maintaining a Harbour at *New Quay* in the County of *Cardigan*.

xiii. An Act for making and maintaining a Pier and other Works at *Deptford* in the County of *Kent*.

xiv. An Act to enable the Commissioners appointed under Two Acts for draining certain Lands situated on or near the River *Leven* in the Counties of *Kinross* and *Fife* to raise a further Sum of Money for the Purposes of the said Acts.

xv. An Act to enlarge and regulate the Market now held in the Town of *Devonport*, in the County of *Devon*, and to establish a Market within the said Town for Corn, Grain, and other Articles, and to regulate the Amount of Tolls to be paid within the said Markets.

xvi. An Act for lighting with Gas the Town and Neighbourhood of *Llanelly* in the County of *Carmarthen*.

xvii. An Act for building a new Parish Church in the Town of *Honiton* in the County of *Devon*.

xviii. An Act for paving, cleansing, lighting, and regulating the several Parishes of *Saint Margaret*, *Saint John the Evangelist* and *Saint James*, within the Liberty of *Westminster* in the County of *Middlesex*, and the Precinct of the *Savoy*, and also Part of the Liberty of *Saffron Hill*, *Hatton Garden*, and *Ely Rents*, within the same County; and for other purposes therein mentioned.

xix. An Act for repairing the Road from *Little Bowden* in the County of *Northampton* to *Rockingham* in the same County.

xx. An Act for repairing the Road from *Farnborough* to *Riverhill* in the Parish of *Sevenoaks* in the County of *Kent*, and for making several Diversions in the said Road.

xxi. An Act for making and maintaining a Road from *New Quay* in the County of *Cardigan* to *Aberayron* in the same County.

xxii. Act Act for improving certain Roads within the County of *Hereford* communicating with the City of *Hereford*.

xxiii. An Act to incorporate the *Avenue Road* in the Parish of *Saint Marylebone* with the *Marylebone* and *Finchley* Turnpike Roads in the County of *Middlesex*.

xxiv. An Act for making and maintaining a Turnpike Road from the Town of *Hurstperpoint* to the *Brighton* and *Cuckfield* Turnpike Road at or near *Ansty Cross* in the Parish of *Cuckfield*, all in the County of *Sussex*.

xxv. An Act for more effectually repairing the *Darlington* and *West Ackland* and the *Cockerton Bridge* and *Staindrop* Roads in the County of *Durham*, and for consolidating the Trusts thereof.

xxvi. An Act for more effectually repairing the Road from the *Exeter* Turnpike Road to *Bideford*, and certain Roads leading from *Bridgetown Pomeroy* and *Totnes*, and other Roads communicating therewith; and for repairing *Totnes Bridge*, and erecting Bridges over the *Stover* Canal, the Rivers *Teign* and *Lemon*, and the *Mill Leat*; all in the County of *Devon*.

xxvii. An Act for repairing and improving the Roads in the Counties of *Northumberland* and *Durham* called the *Ford* and *Lowick* Turnpikes, and for making certain new Branches in the said Counties.

xxviii. An Act for making certain Turnpike Highways between the Towns of *Nantwich* and *Congleton* in the County Palatine of *Chester*.

xxix. An Act for building a Bridge over the River *Exe* from the *Shilhay* at the City of *Exeter* and for making Approaches thereto; and for removing the present Ferry across the said River, and establishing another Ferry or a Foot-bridge in lieu thereof.

xxx. An Act to amend the Acts relating to the *Manchester*, *Bolton*, and *Bury* Canal Navigation and Railway, and to make a Branch Railway to *Bolton*.

xxxi. An Act to authorize the *Newcastle upon Tyne* and *Carlisle* Railway Company to make an additional Branch Railway or Tramroad; and for other purposes connected with their undertaking.

xxxii. An Act to amend an Act for improving the Navigation of the River *Cart*, and for deepening and extending the Harbour of *Paisley*, in the county of *Renfrew*.

xxxiii. An Act to enable the *Edinburgh* Water Company to borrow a further Sum of Money.

xxxiv. An Act to consolidate and extend the Powers and Provisions of the several Acts relating to the *Birmingham* Canal Navigations.

xxxv. An Act for making, maintaining, and repairing certain Roads near the Towns of *Ashburton* and *Totnes* in the County of *Devon.*

xxxvi. An Act for repairing and maintaining the Road from the *Wellington Bridge Road* in the Parish of *Leeds* to *Tong Lane End* in the Parish of *Birstal,* and other Roads branching therefrom, and for making and maintaining a new Road from the aforesaid Road at *Swallow Hill* in the Township of *Wortley* to *Pudsey,* all in the West Riding of the County of *York.*

xxxvii. An Act for making and maintaining a Road from *Sandbach* to *Congleton,* in the County Palatine of *Chester,* and a Branch Road communicating therewith.

xxxviii. An Act for more effectually repairing the Road from *Mullen's Pond* in the County of *Southampton,* through *Amesbury,* to the Eighteen Mile Stone from the City of *New Sarum* near *Willoughby Hedge* in the County of *Wilts,* and several other Roads leading out of the said Road.

xxxix. An Act for more effectually repairing and improving the Road from the Town of *Hitchin,* through *Shefford,* to the Turnpike Road from *Saint Albans* to *Bedford,* and also the Road from the Turning out of the said Road to *Henlow* and *Gerford Bridge,* and other Roads therein mentioned, in the Counties of *Hertford* and *Bedford.*

xl. An Act for more effectually repairing the Road from *Saint Benedict's Gate* in the County of the City of *Norwich* to *Swaffham* in the County of *Norfolk,* and from *Halfpenny Bridge* in *Honingham* to the Bounds of *Yaxham,* and also a Lane called *Hangman's Lane,* near the Gates of the said City.

xli. An Act for more effectually repairing the Road from *Duffield,* through *Belper,* to *Heage* in the County of *Derby,* and for making a new Line of Road communicating therewith.

xlii. An Act to empower the *Dublin* Oil Gas Light Company to produce Gas from Coal, Peat, Turf, and other Materials; and to amend the Act relating to the said Company.

xliii. An Act to enable the inhabitants of *Grosvenor Square,* in the County of *Middlesex,* more effectually to pave, cleanse, light, water, and embellish the said Square.

xliv. An Act for enlarging the powers of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, to consolidate and amend several Acts for the further Improvement of the Port of *London,* by making Docks and other Works at *Blackwall* for the Accommodation of *East India* Shipping.

xlv. An Act for lighting, watching, and improving the Parish of *Tormoham* in the County of *Devon.*

xlvi. An Act for improving and regulating the Town of *Aberystwyth* in the County of *Cardigan,* and for supplying the Inhabitants thereof with water.

xlvii. An Act to alter and amend Three several Acts for paving, cleansing, and improving the Town of *Dovor;* and for making further Improvements in the said Town.

xlviii. An Act for more effectually repairing, improving, and preserving the Harbour and Quay of *Wells* in the county of *Norfolk.*

xlix. An Act for improving the Haven of *Great Yarmouth* in the County of *Norfolk,* and the several Rivers connected therewith, and for repairing or taking down and rebuilding a certain Bridge over the said Haven at *Great Yarmouth* aforesaid, and a certain Bridge called *Saint Olave's Bridge,* over the River *Wavency,* in the Counties of *Norfolk* and *Suffolk;* and for suspending for a limited Period certain Duties payable to the Corporation of *Great Yarmouth,* and imposing other duties in lieu thereof.

l. An Act for establishing a new Market for Live Stock and Agricultural Produce, and erecting a Market House or Corn Exchange, in the City of *Winchester.*

li. An Act for removing the Markets held in the Town of *Cardiff* in the County of *Glamorgan,* and for providing other Market Places in lieu thereof.

lii. An Act for paving, lighting, and watching the Town and Parish of *Downham Market* in the County of *Norfolk.*

liii. An Act for removing the Markets held in the Town and Borough of *Neath* in the County of *Glamorgan,* and for providing a new Market Place in the said Town in lieu thereof.

liv. An Act for altering, amending, and extending the Powers and Provisions of an Act of the Sixth Year of His late Majesty King *George* the Fourth, for the Regulation of Buildings in the Town of *Liverpool,* and for the other Purposes therein mentioned; and for granting further and additional Powers for the Improvement and Regulation of the said Town, and the Preservation of Property therein from Fires, and otherwise.

lv. An Act to make and maintain a Railway from *Stanrig* and *Arbuckle* in the County of *Lanark* to the Union Canal at *Causewayend* in the County of *Stirling*.

lvi. An Act to enable the *London* and *Birmingham* Railway Company to extend and alter the Line of such Railway, and for other purposes relating thereto.

lvii. An Act to enable the *Leeds* and *Selby* Railway Company to improve the Line of the said Railway; and for amending and enlarging the Powers and Provisions of an Act relating to such Railway.

lviii. An Act for making a Railway from *Preston* to *Wyre*, and for improving the Harbour of *Wyre*, in the County Palatine of *Lancaster*.

lix. An Act for consolidating the Shares in the *Wilts* and *Berks* Canal Navigation, and for extending the Powers of the Act of Incorporation of the Company of Proprietors of the said Canal.

lx. An Act for providing in or near the Burgh of *Cupar* more extensive Accommodation for holding the Courts and Meetings of the Sheriff, Justices of the Peace, and Commissioners of Supply of the County of *Fife*, and for the custody of the Records of the said County.

lxi. An Act for better supplying with Water the Town of *Ashton-under-Lyne*, and the Neighbourhood thereof, within the Parish of *Ashton-under-Lyne*, in the County Palatine of *Lancaster*.

lxii. An Act for more effectually making, repairing, and maintaining the Turnpike Roads in the County of *Edinburgh*.

lxiii. An Act for improving and more effectually repairing the several Roads leading into and from the City of *Worcester*.

lxiv. An Act for repairing the Roads from *Sevenoaks Common* to *Woodsgate*, *Tunbridge Wells*, and *Kipping's Cross*, and from *Tunbridge Wells* to *Woodsgate*, in the County of *Kent*.

lxv. An Act for more effectually repairing the *Launceston* Turnpike Roads, and making certain additional Roads.

lxvi. An Act for more effectually repairing and improving the Road from the Junction of the *Odstock* Road with the *Downton* Road near *Harnham Hill*, through *Blandford* and *Dorchester*, to *Askerswell Hill*, in the Counties of *Wilts* and *Dorset*.

lxvii. An Act for more effectually repairing and improving the Road from *Newry* to *Charlemont*, through the County of *Armagh*.

lxviii. An Act for further regulating the Statute Labour and repairing the Highways and Bridges in the County of *Edinburgh*.

lxix. An Act for continuing the Term and amending and enlarging the Powers of Three Acts of His Majesty King *George* the Third, for amending certain Mileways leading to *Oxford*, and making Improvements in the University and City of *Oxford*, the Suburbs thereof, and adjoining Parish of *Saint Clement*; and for other Purposes in the said Acts mentioned.

lxx. An Act for making and maintaining a Bridge over the River called "The *Portland Ferry*," in the County of *Dorset*, with proper Approaches thereto.

lxxi. An Act for amending an Act passed in the last Session of Parliament for establishing a Floating Bridge over the River *Itchen* near the Town of *Southampton*, with proper Approaches thereto, and making Roads to communicate therewith.

lxxii. An Act for lighting, watching, cleansing, regulating, and otherwise improving the Town of *Tunbridge Wells* in the Counties of *Kent* and *Sussex*, and for regulating the Supply of Water and establishing a Market within the said Town.

lxxiii. An Act for paving, lighting, and otherwise improving the Town of *Haverfordwest*, and the adjoining Townships of *Prendergast* and *Cartlett*, in the Parishes of *Prendergast* and *Uzmaston*, in the County of *Pembroke*.

lxxiv. An Act to amend several Acts relating to the Bridge and to the City and Port of *Londonderry*.

lxxv. An Act for making and maintaining a Dock and other Works in the Port of *Newport* in the County of *Monmouth*, with a Railway and Stone Road therefrom.

lxxvi. An Act to enable the Proprietors or Shareholders in the *Argus* Life Assurance Company to sue and be sued in the Name of any One of the Directors or of the Chairman or Secretary for the Time being of the said Company.

lxxvii. An Act for providing a Market Place, and regulating the Markets in the Town and Borough of *Merthyr Tidvil* in the County of *Glamorgan*.

lxxviii. An Act for erecting and maintaining a Pier or Harbour at *Gourock* in the County of *Renfrew*.

lxxix. An Act for the further Improvement of the Harbour of *Ayr.*

lxxx. An Act for supplying the Town of *Paisley* in the County of *Renfrew* with Water.

lxxxi. An Act for the better supplying the Parish of *Richmond* in the County of *Surrey* with Water.

lxxxii. An Act for enlarging and amending the Powers and Provisions of the Acts passed for making and maintaining a Railway or Tramroad from the Sea Shore at or near *Whitstable* in the County of *Kent* to or near to the City of *Canterbury,* and the Works connected therewith; and to authorise the Company of Proprietors to raise a further sum of Money.

lxxxiii. An Act for enabling *John Brandling* and *Robert William Brandling,* Esquires, to purchase and take Leases of Lands and Hereditaments for the Formation of a Railway from *Gateshead* to *South Shields* and *Monk Wearmouth,* all in the County Palatine of *Durham,* with Branches therefrom.

lxxxiv. An Act for making and maintaining a Railway from *Newtyle* to *Coupar Angus* in the County of *Forfar.*

lxxxv. An Act for making and maintaining a Railway between the Town of *Paisley* and the South Side of the River *Clyde* at *Renfrew Ferry,* and for constructing Wharfs, Qaays, or Landing Places there; all in the County of *Renfrew.*

lxxxvi. An Act for better lighting with Gas the Town and neighbourhood of *Leeds* in the Borough of *Leeds* in the West Riding of the County of *York.*

lxxxvii. An Act for altering the Line of Road from the Milnford of *Garscube* to the City of *Glasgow,* and improving the Roads leading therefrom into the said City.

lxxxviii. An Act for improving and keeping in repair certain Roads in the Counties of *Flint* and *Chester,* and for better maintaining the Ferry over the River *Dee* called the *Lower King's Ferry,* in the said County of *Flint.*

lxxxix. An Act for more effectually repairing and improving the Road from the Side Gate on the *Hinckley* and *Lutterworth* Turnpike Road in the Parish of *Burbage* in the County of *Leicester* to the *Leicester* Turnpike Road in or near to the Village of *Narborough* in the said County.

xc. An Act to explain and amend the Powers of an Act of His late Majesty King *George* the Fourth, for making a Pier at *Southend* in the County of *Essex.*

xci. An Act for better lighting with Gas the Borough of *Sheffield* in the West Riding of the County of *York.*

xcii. An Act for making and maintaining a Railway from *Newtyle* to the Muir of *Eassie,* and from thence to the Muir of *Glammiss,* in the County of *Forfar.*

xciii. An Act to amend an Act relating to the *Bodmin* and *Wadebridge* Railway.

xciv. An Act for amending and consolidating the Acts of Parliament for the Recovery of Small Debts in the City of *London* and the Liberties thereof, and for enabling the Goods of the Debtors to be taken in Execution.

xcv. An Act to amend and extend the Powers vested in the Grand Junction Waterworks Company, and for other Purposes relating thereto.

xcvi. An Act to authorize the *Llanelly* Railway and Dock Company to make certain additional Railways or Tramroads, and for other Purposes connected therewith.

xcvii. An Act for effecting an Extension of the *Ballochney* Railway, in the County of *Lanark;* and for altering, amending, and enlarging the Powers of an Act of the Seventh Year of His late Majesty, for making the said Railway.

xcviii. An Act to amend an Act of the Third Year of His present Majesty, for more effectually supplying with Water the City and County of the City of *Exeter* and Places adjacent thereto.

xcix. An Act to enable the *Reading* Waterworks Company to extend their Works; and for explaining and enlarging the Powers of the Act relating to such Company.

c. An Act for the better paving, lighting, watching, cleansing, and otherwise improving the Borough of *Truro* in the county of *Cornwall,* and for forming a new Street within the same Borough.

ci. An Act for paving, lighting, watching, and otherwise improving the Town of *Bognor* in the County of *Sussex;* and for amending and enlarging Two Acts of Parliament passed in the Third and Sixth Years of the Reign of His late Majesty King *George* the Fourth, relating to the said Town.

cii. An Act for building a Bridge over the River *Trent* at *Willington* in the County of *Derby.*

ciii. An Act for repairing and otherwise improving the Roads from *Oxford*, over *Botley Causeway*, to *Fifield* in the County of *Berks* and *Witney* in the County of *Oxford*.

civ. An Act to rectify a mistake in an Act passed in the present Session of Parliament, for more effectually repairing the Road from the *Exeter* Turnpike Road to *Biddeford*, and certain Roads leading from *Bridgetown Pomeroy* and *Totnes*, and other Roads communicating therewith, and for repairing *Totnes Bridge*, and erecting Bridges over the *Stover* Canal, the Rivers *Teign* and *Lemon*, and the *Mill Leat*, all in the County of *Devon*.

cv. An Act for more effectually repairing certain Roads leading to and from *Bodmin*, and other Roads therein mentioned, in the County of *Cornwall*, and for making and maintaining certain new Roads communicating therewith.

cvi. An Act for the Improvement of the Registrar's Office, and other Offices of the Court of Chancery.

cvii. An Act for making a Railway from *Bristol* to join the *London* and *Birmingham* Railway near *London*, to be called "The Great Western Railway," with Branches therefrom to the Towns of *Bradford* and *Trowbridge* in the County of *Wilts*.

cviii. An Act to rectify a Mistake in an Act passed in the present Session of Parliament, for lighting, watching, and improving the Parish of *Tormoham*, in the County of *Devon*.

cix. An Act to improve and maintain the *Port Dundas* Road, and to make and maintain another Road, in the County of *Lanark*.

cx. An Act for incorporating and granting certain Powers to the *North American* Colonial Association of *Ireland*.

cxi. An Act for establishing a Market for the Sale of Cattle in the Parish of *Saint Mary Islington* in the County of *Middlesex*.

cxii. An Act to alter, amend, and enlarge the Powers of an Act of the Second and third Years of His present Majesty for making and maintaining a Railway from the *Cave Hill* to the Harbour of *Belfast* in the County of *Antrim*.

PRIVATE ACTS.

PRINTED BY THE KING'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for vesting in *George Knowles* Esquire and his Heirs certain Freehold and Copyhold Estates situate at *Sharrow* in the Parish of *Ripon* in the County of *York*, discharged from the Uses mentioned or referred to by the Marriage Settlement of the said *George Knowles*, and for substituting and settling certain Freehold and Copyhold Estates situate at *Humberstone Bank* and *Thruscross* in the Parish of *Hampsthwaite* in the said County of *York* in lieu thereof, and to the like Uses.

2. An Act for vesting certain Freehold and Leasehold Hereditaments situate in the Town and County of the Town of *Southampton*, devised and bequeathed by the Will of *Ann Hambly* Widow, deceased, in Trustees for Sale; and for laying out the Monies to be produced by such Sale in the Purchase of other Estates, to be settled in the same Manner.

3. An Act for vesting certain Shares of Estates now belonging to Sir *Cecil Augustus Bisshopp*, *Harriet Arabella Bisshopp*, *George Curzon Bisshopp*, *Ewdard Cecil Bisshopp*, and *Catharine Mary Bisshopp*, Infants, and also to the said Sir *Cecil Augustus Bisshopp* alone, in Trustees, to be sold, and for investing the Purchase Monies arising from such Shares in other Estates.

4. An Act for applying the Balance now lying in Bank of the Price of the Lands of *Glenkinglas* and others, contained in a Deed of Entail executed by the deceased Sir *Duncan Campbell* of *Lochnell*, which were sold in virtue of the Powers contained in an Act of Parliament passed in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, towards Payment of certain Sums laid out by General *Duncan Campbell* of *Lochnell* in the Improvement of the said entailed Estate.

5. An Act to enable the granting of Leases, and for other Purposes relating to the Estates of *William Harris* Esquire, deceased.

6. An Act for confirming a Partition, made under a Decree of His Majesty's High Court of Chancery, of an Estate in the County of *Chester* among *Whitmore Smart*, *Elizabeth Smart* Spinster, and others.

7. An Act for the Sale of Estates in *Ireland* devised by the Will of the Right Honourable *Chichester* late Earl of *Massereene*, and for the Purchase of other Estates in *Ireland*, to be settled to the Uses of the said Will.

8. An Act for authorizing the Sale of the entailed Lands of *North Ferryhill* or *Carlingnose* in the County of *Fife*, and the entailed Lands and Estate of *Kirton* and *Whitelaw* in the County of *Linlithgow*, belonging to *William Scott Moncrieff* Esquire, and the Purchase of other Lands to be entailed.

9. An Act for exchanging the *Broomsthorpe* and *Castle Rising* Estates in the County of *Norfolk* devised by the Will of *George James* late Marquess of *Cholmondeley* deceased to Lord *William Henry Hugh Cholmondeley* for Life, with Remainders over, for Lands in *Netherton* and *Huxley* in the County Palatine of *Chester*, devised by the same Will to the said Lord *William Henry Hugh Cholmondeley* in Fee Simple.

10. An Act for inclosing Lands in the Parishes of *Tavistock*, *Milton-Abbot*, *Brentor*, and *Lamerton*, in the County of *Devon*, called *Heathfield*.

11. An Act for inclosing Lands in the Manor and Township of *Ulleskelf* in the Parish of *Kirby Wharfe* in the County of *York*.

12. An Act for dividing, allotting, and inclosing the Commons or Waste Lands called *Ranmore* otherwise *Ravensmoor*, in the several Parishes of *Acton* and *Baddiley*, or One of them, in the County of *Chester*.

13. An Act for inclosing and allotting Lands in the Parish of *Stretham* in the *Isle of Ely* and County of *Cambridge*, and for the Commutation of Tithes.

14. An Act for authorizing Sales, Leases, Grants, and Improvements of an Estate at *Linnington* in the County of *Warwick*, devised by the Will of *Matthew Wise* Esquire; and for other Purposes.

15. An Act to empower the Judges of the Court of Session in *Scotland* to sell the Lands of *Bravelleichs* in the County of *Argyll*, and, after discharging the Debts affecting the same, to invest the Surplus in the Purchase of other Lands, to be entailed.

16. An Act to enable the Prebendary of the Prebend of *Highleigh*, founded in the Cathedral Church of the *Holy Trinity* of *Chichester*, to accept Surrenders of the existing Lease of any Part of the said Prebend, and to grant new Leases thereof.

17. An Act for confirming certain Leases granted by Sir *James Graham* Baronet, deceased, and by Sir *Sandford Graham* Baronet, his Son, of Land at *Kirtstall* and in the Township of *Headingley-cum-Burley*, in the Parish of *Leeds* in the West Riding of the County of *York*.

18. An Act for enabling the Committee of the Estate of *Le Gendre Pierce Starkie* Esquire, a Lunatic, to grant Leases of his settled Estates.

19. An Act to vest Part of the entailed Estate of *Cromarty*, lying within the County of *Ross*, and by Annexation within the County of *Cromarty*, in Trustees in Fee Simple, for the Purpose of selling the same, and of paying Debts which affect or may be made to affect the said entailed Estate; and for other Purposes connected therewith.

20. An Act for vesting in *Archibald* Lord *Douglas* of *Douglas*, or the Heir of Entail in Possession for the Time, certain detached Parts of the entailed Estates of *Douglas* in Fee Simple, upon entailing certain other Lands equivalent in Value to the same and to a Debt due by him to the said entailed Estates.

21. An Act for uniting the Rectory and Parish Church of *Stanmer* in the County of *Sussex* with the adjoining Vicarage and Parish Church of *Falmer*, and for exchanging the Parsonage House and Glebe Land of *Stanmer* and the Vicarage House of *Falmer* for certain Pieces of Land at *Falmer*, being Part of the settled Estates of the Right Honourable *Henry Thomas* Earl of *Chichester*, on which a new Parsonage House has been built at the Expence of the said Earl.

22. An Act to enable the Mayor, Aldermen, and Citizens of the City of *Worcester* to grant renewable Leases of the *Worcester* County Infirmary and of the Land held therewith to the Governors of the said Infirmary, or their Trustees.

23. An Act for vesting the settled and unsettled Manors and Estates of *Charles Vere Spencer*, an Infant, in the Counties of *Oxford* and *Denbigh*, in Trustees, in order to effect the Sale thereof, for the Payment of Incumbrances, and for other Purposes.

24. An Act for empowering Trustees to sell certain Freehold, Copyhold, and Leasehold Estates in the County of *Norfolk*, settled under the Will of *Horatio* Earl of *Orford* deceased and for

laying out the Money arising therefrom in the Purchase of Lands to be settled to the same Uses; and for the other Purposes therein mentioned.

25. An Act to authorize the making of Grants or Leases of Mines within and under Parts of the Lands belonging to the Perpetual Curacy of the Parish of *Wolverhampton* in the County of *Stafford*.

26. An Act for vesting the Freehold and Leasehold Estates late belonging to *Richard Sparrow* of *Oakland* in the County of *Tipperary*, Esquire, deceased, in Trustees, to be sold for payment of his Debts, and applying the Surplus for the Benefit of the Devisees in the Will of the said Deceased named.

27. An Act for raising, on the Security of certain Estates in the County of *Wilts* whereof the Right Honourable *Thomas* Earl *Nelson* is Tenant in Tail, a sum of Money for the Purpose of discharging the Sum of Ten thousand Pounds equitably charged thereon by *William* Earl *Nelson* deceased, in favour of his Daughter *Charlotte Mary* Lady *Bridport*; and for other Purposes.

PRIVATE ACTS,

NOT PRINTED.

28. AN Act for naturalizing *Salis Schwabe*.

29. An Act to dissolve the Marriage of *Charles Conyers*, junior, Esquire, with *Margaret Conyers* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

30. An Act for naturalizing *Christian Allhusen*.

31. An Act for naturalizing *John Cortazzi*.

32. An Act for naturalizing *Paul Ferdinand Willert*.

33. An Act for naturalizing *Louis Magnus*.

34. An Act for naturalizing *Frederic Louis Miéville*.

35. An Act for naturalizing *Mendel Albrecht*.

36. An Act for naturalizing *David Meyer Loewe*.

37. An Act to dissolve the Marriage of Major *Hassell Richard Moor* with *Ann* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

38. An Act to dissolve the Marriage of the Reverend *William Thomas Blenkinsop*, a Chaplain in the Service of the *East India* Company on their *Madras* Establishment, with *Clara Jane* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

39. An Act for naturalizing *John Queriol Murat*.

40. An Act for naturalizing *Ludwig Steinthal*.

41. An Act for naturalizing *Emanuel Hallé*.

42. An Act for naturalizing *Gaspar Peter Elias* Baron *de Arabet*.

43. An Act for naturalizing *Jacques Louis Auguste Joseph Des Champs de la Tour*, commonly called *Auguste Des Champs de la Tour*, and his infant Son.

44. An Act for naturalizing *Agnes Hemilian de Tressan*.

45. An Act to dissolve the Marriage of *William Charles Lambert* Esquire with *Georgiana Charlotte* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

46. An Act for naturalizing *Henry Christopher Bergman*.

47. An Act for naturalizing *John Frederick Zoller*.

48. An Act to dissolve the Marriage of *Charles Malpas* Esquire with *Isabella Bowness* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

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